

IN THE UNITED STATES DISTRICT COURT

For the Western District of Texas

Austin Division

NETCHOICE, LLC d/b/a NetChoice, a :  
501(c)(6) District of Columbia :  
Organization, COMPUTER & :Civil Action  
COMMUNICATIONS INDUSTRY ASSOCIATION :No. 1:21-cv-00840-RP  
d/b/a CCIA, a 501(c)(6) non-stock :  
Virginia Corporation, :  
Plaintiffs, :  
v. :  
KEN PAXTON, in his official capacity:  
as Attorney General of Texas, :  
Defendant. :

Tuesday, November 16, 2021

Washington, D.C.

NEIL CHRISTOPHER POTTS, pursuant to notice, the witness being sworn by BARBARA MOORE, a Notary Public in and for the District of Columbia, taken at the offices of KIRKLAND & ELLIS, LLP, 1301 Pennsylvania Avenue, N.W., Washington, D.C., on Tuesday, November, 2021, and the proceedings being taken down by Stenotype by BARBARA MOORE, CRR, RMR and transcribed under her direction.

<p>2</p> <p>1 APPEARANCES:</p> <p>2 On Behalf of Facebook:</p> <p>3 K. WINN ALLEN, ESQ.</p> <p>4 T.J. McCARRICK, ESQ.</p> <p>5 KIRKLAND &amp; ELLIS, LLP</p> <p>6 1301 Pennsylvania Avenue, N.W.</p> <p>7 Washington, D.C. 20004</p> <p>8 winn.allen@kirkland.com</p> <p>9 tj.mccarrick@kirkland.com</p> <p>10</p> <p>11 On Behalf of Plaintiff CCIA:</p> <p>12 TODD DISHER, ESQ.</p> <p>13 LEHOTSKY KELLER</p> <p>14 909 Congress Avenue, Suite 1100</p> <p>15 Austin, Texas 78701</p> <p>16 todd@lehotskykeller.com</p> <p>17</p> <p>18 On Behalf of the Defendant:</p> <p>19 COURTNEY CORBELLO, Assistant Attorney General</p> <p>20 BENJAMIN LYLES, Assistant Attorney General.</p> <p>21 P.O. Box 12548</p> <p>22 Austin, Texas 768711-2548</p> <p>23 Courtney.corbello@oag.texas.gov</p> <p>24 benjamin.lyles@oag.texas.gov</p> <p>25 Videographer: Gene Aronov</p>	<p>4</p> <p>1 PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Good morning.</p> <p>3 This begins the video deposition of Neil</p> <p>4 Potts taken by the defendant in the</p> <p>5 matter of NetChoice, LLC, et al, versus</p> <p>6 Ken Paxton, et al., filed in the United</p> <p>7 States District Court for the Western</p> <p>8 District of Texas, Austin Division, Case</p> <p>9 No. 1:21-cv-00840-RP.</p> <p>10 This deposition is being held at</p> <p>11 Kirkland &amp; Ellis, located at 1301</p> <p>12 Pennsylvania Avenue, NW, Washington,</p> <p>13 D.C., on November 16, 2021, at</p> <p>14 approximately 9:09 p.m. -- a.m.</p> <p>15 My name is Gene Aronov from the</p> <p>16 firm Integrity Legal Support Solutions,</p> <p>17 and I'm the video specialist. The court</p> <p>18 reporter is Barbara Moore with Integrity</p> <p>19 Legal Support Solutions.</p> <p>20 Would counsel please introduce</p> <p>21 themselves.</p> <p>22 (Attorneys stated their</p> <p>23 appearances for the record.)</p> <p>24 THE COURT: Will the court</p> <p>25 reporter please swear in the witness.</p>																																														
<p>3</p> <p>1 TABLE OF CONTENTS</p> <p>2 WITNESSES</p> <table border="0"> <tr> <td>3 WITNESS</td> <td>PAGE</td> </tr> <tr> <td>4 NEIL CHRISTOPHER POTTS</td> <td></td> </tr> <tr> <td>5 By Ms. Corbello</td> <td>5</td> </tr> <tr> <td>6 By Mr. McCarrick</td> <td>183</td> </tr> <tr> <td>7 By Ms. Corbello</td> <td>186</td> </tr> <tr> <td>8</td> <td></td> </tr> <tr> <td>9</td> <td></td> </tr> <tr> <td>10</td> <td></td> </tr> <tr> <td colspan="2">11 EXHIBITS</td> </tr> <tr> <td>12</td> <td></td> </tr> <tr> <td>13 EXHIBIT DESCRIPTION PAGE</td> <td></td> </tr> <tr> <td>14 Exhibit 1 Declaration</td> <td>13</td> </tr> <tr> <td>15 Exhibit B Blog post</td> <td>83</td> </tr> <tr> <td>16 Exhibit 3 HB 20</td> <td>105</td> </tr> <tr> <td>17 Exhibit 4 Document entitled I Don't Think</td> <td>112</td> </tr> <tr> <td>18 Facebook Should Have Taken Down</td> <td></td> </tr> <tr> <td>19 My Post</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> <tr> <td>25</td> <td></td> </tr> </table>	3 WITNESS	PAGE	4 NEIL CHRISTOPHER POTTS		5 By Ms. Corbello	5	6 By Mr. McCarrick	183	7 By Ms. Corbello	186	8		9		10		11 EXHIBITS		12		13 EXHIBIT DESCRIPTION PAGE		14 Exhibit 1 Declaration	13	15 Exhibit B Blog post	83	16 Exhibit 3 HB 20	105	17 Exhibit 4 Document entitled I Don't Think	112	18 Facebook Should Have Taken Down		19 My Post		20		21		22		23		24		25		<p>5</p> <p>1 *****</p> <p>2 NEIL CHRISTOPHER POTTS,</p> <p>3 having been called as a witness on behalf of</p> <p>4 Facebook and having been first duly sworn, was</p> <p>5 examined and testified as follows:</p> <p>6 EXAMINATION BY</p> <p>7 MS. CORBELLO:</p> <p>8 MR. McCARRICK: Before we get</p> <p>9 going, we do have an agreement that one</p> <p>10 objection from either counsel for the</p> <p>11 witness or the plaintiffs, serves as an</p> <p>12 objection for both.</p> <p>13 MS. CORBELLO: Yes.</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. Good morning, Mr. Potts. My name is</p> <p>16 Courtney Corbello. I represent the defendant Ken</p> <p>17 Paxton in this lawsuit. Let's just talk a little</p> <p>18 bit about your background before we get started.</p> <p>19 How long have you been with Facebook?</p> <p>20 A. About five and-a-half, maybe five</p> <p>21 and three-quarters of a year. I joined in April of</p> <p>22 2016.</p> <p>23 Q. What is your title currently?</p> <p>24 A. I'm the vice president of Trust and</p> <p>25 Safety Policy.</p>
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4 NEIL CHRISTOPHER POTTS																																															
5 By Ms. Corbello	5																																														
6 By Mr. McCarrick	183																																														
7 By Ms. Corbello	186																																														
8																																															
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<p>6</p> <p>1 Q. Have you been that the entire time</p> <p>2 you've been with Facebook?</p> <p>3 A. No, not the entire time. I started</p> <p>4 off on our Content Policy team and then created a</p> <p>5 team and then eventually took over this position.</p> <p>6 Q. So the Content Policy team, what is</p> <p>7 that?</p> <p>8 A. That is a team that rates the rules</p> <p>9 what we allow and do not allow on the platform.</p> <p>10 Just to clarify, Trust and Safety Policy falls</p> <p>11 under the Content Policy team.</p> <p>12 Q. So somewhat of a subsidiary to the</p> <p>13 Content Policy team?</p> <p>14 A. It's one of the pillars to the</p> <p>15 Content Policy Team.</p> <p>16 Q. And is that the team you created,</p> <p>17 the Trust and Safety?</p> <p>18 A. Yes, but that's not the team I was</p> <p>19 referring to. I created a team called the</p> <p>20 Strategic Response Policy in 2017 and then this</p> <p>21 team in 2019.</p> <p>22 Q. Where were you previously?</p> <p>23 A. I was at a law firm in Washington,</p> <p>24 D.C.</p> <p>25 Q. What law firm was that?</p>	<p>8</p> <p>1 civil society, academics, et cetera, and so I do</p> <p>2 that fairly often.</p> <p>3 Q. Are you involved in the membership</p> <p>4 between Facebook and NetChoice?</p> <p>5 A. Define membership in that sense.</p> <p>6 Q. Well, Facebook is a member of</p> <p>7 NetChoice; correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Were you involved in becoming --</p> <p>10 A. Like advising whether we would be,</p> <p>11 no, I wasn't advising.</p> <p>12 Q. Do you understand how the membership</p> <p>13 for Facebook works in regard to NetChoice?</p> <p>14 A. Loosely, but not well versed.</p> <p>15 Q. What's your loose understanding?</p> <p>16 A. With many trade associations we are</p> <p>17 members of seeking to just have better, better</p> <p>18 knowledge of issues confronting the internet.</p> <p>19 Q. Do you do any work with NetChoice</p> <p>20 directly in your capacity as Trust and Safety</p> <p>21 Policy vice president?</p> <p>22 A. Not directly. I think there are a</p> <p>23 lot of tangential issues, but not directly.</p> <p>24 Q. What sort of tangential issues?</p> <p>25 A. For any of the issues including what</p>
<p>7</p> <p>1 A. WilmerHale.</p> <p>2 Q. And what are your job duties</p> <p>3 currently as vice president of Trust and Safety</p> <p>4 Policy?</p> <p>5 A. Sure. I oversee a number of subject</p> <p>6 matter experts, about 75 subject matter experts</p> <p>7 that focus on some of the highest priority issues</p> <p>8 that the company faces. That includes safety, so</p> <p>9 safety for women, safety for children, health and</p> <p>10 well-being, security. That's our term for cyber</p> <p>11 security, dealing with foreign interference. Cyber</p> <p>12 espionage. Other cyber security issues.</p> <p>13 Our team that looks on counterterrorism and</p> <p>14 extremism. Our team that looks on civil rights, a</p> <p>15 team that looks into every policy as well as</p> <p>16 external stakeholder engagement.</p> <p>17 Q. And you also represent Facebook in</p> <p>18 its external capacities, right, for example?</p> <p>19 A. Yes.</p> <p>20 Q. In front of Congress?</p> <p>21 A. Right.</p> <p>22 Q. What are the other capacities you</p> <p>23 might represent Facebook in?</p> <p>24 A. According to the way that we develop</p> <p>25 policies is to engage externally with governance,</p>	<p>9</p> <p>1 we're talking about today, they do abut against my</p> <p>2 subject matter areas.</p> <p>3 Q. And same for CCIA, do you understand</p> <p>4 how that membership works for Facebook?</p> <p>5 A. Similarly I'm aware of it but don't</p> <p>6 know who decided we would be a member of CCIA.</p> <p>7 Q. Is it fair to say everything you</p> <p>8 just told me about NetChoice applies to CCIA as</p> <p>9 well?</p> <p>10 A. Yes.</p> <p>11 Q. Your understanding?</p> <p>12 A. That's true.</p> <p>13 Q. Do you know if Facebook funds</p> <p>14 NetChoice or CCIA in any way?</p> <p>15 A. I don't have direct knowledge.</p> <p>16 Q. Do you have indirect knowledge?</p> <p>17 A. I know that we participate in a</p> <p>18 number of industry groups, and I don't know who our</p> <p>19 membership is. I cannot speak to NetChoice</p> <p>20 specifically.</p> <p>21 Q. Let's turn to your declaration. If</p> <p>22 you want to look at the first binder in front of</p> <p>23 you.</p> <p>24 A. Top binder?</p> <p>25 Q. Yes, it should tell you what number</p>

<p>10</p> <p>1 it is. I can't remember off the top of my head.</p> <p>2 A. This is the big --</p> <p>3 Q. 10 it looks like.</p> <p>4 A. Tab 10?</p> <p>5 Q. Yes.</p> <p>6 A. Okay. You know what, I think I have</p> <p>7 two of the same or at least the numbering is off.</p> <p>8 MS. CORBELLO: Counsel, do you</p> <p>9 want your own set of binders, or I assume</p> <p>10 you have your own declaration.</p> <p>11 (Discussion held off the</p> <p>12 record.)</p> <p>13 THE WITNESS: Tab 10?</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. Yes. Did you draft this</p> <p>16 declaration?</p> <p>17 MR. DISHER: So 10 is not his</p> <p>18 declaration. 10 is the notice of</p> <p>19 declaration.</p> <p>20 MS. CORBELLO: I'm sorry, I read</p> <p>21 it wrong. Here it is, six.</p> <p>22 THE WITNESS: Six.</p> <p>23 BY MS. CORBELLO:</p> <p>24 Q. Sorry, I saw your name and just</p> <p>25 assumed it was 10.</p>	<p>12</p> <p>1 plaintiffs in this lawsuit at all about drafting</p> <p>2 your declaration?</p> <p>3 A. I spoke with in-house counsel.</p> <p>4 Q. So no?</p> <p>5 A. So no.</p> <p>6 Q. You said you edited the draft that</p> <p>7 was given to you?</p> <p>8 A. I edited the draft, input it, gave</p> <p>9 feedback and additions to this draft as well as a</p> <p>10 similar draft that was submitted.</p> <p>11 Q. So how many drafts did you edit,</p> <p>12 would you say?</p> <p>13 A. When you say that, do you mean the</p> <p>14 back-and-forth?</p> <p>15 Q. Yes.</p> <p>16 A. I haven't -- multiple, but I</p> <p>17 couldn't recall the number.</p> <p>18 Q. When did you first start drafting --</p> <p>19 when did you first see a draft of your declaration?</p> <p>20 A. I don't have the exact date.</p> <p>21 Q. Several months ago?</p> <p>22 A. Several months ago. As I mentioned,</p> <p>23 we worked -- we had a similar declaration of</p> <p>24 Florida that was -- not many months ago, prior to</p> <p>25 this declaration, but unfortunately I don't recall</p>
<p>11</p> <p>1 Are you there?</p> <p>2 A. I'm still here. Are you still here?</p> <p>3 Q. We made it.</p> <p>4 A. Okay.</p> <p>5 Q. Did you draft this declaration,</p> <p>6 Mr. Potts?</p> <p>7 A. I had a chance to edit it, to review</p> <p>8 it and to ensure that all the statements that I</p> <p>9 signed were correct.</p> <p>10 Q. Okay. Who drafted the initial draft</p> <p>11 of this document?</p> <p>12 A. Working with the team of in-house</p> <p>13 counsel.</p> <p>14 Q. Other than in-house counsel, did</p> <p>15 anyone else contribute to the draft in any way?</p> <p>16 A. I'm not certain who did contribute</p> <p>17 to it. I worked with my in-house counsel on the</p> <p>18 declaration.</p> <p>19 Q. Who else contributed to it?</p> <p>20 A. The team of in-house counsel.</p> <p>21 Q. Did you speak to anyone about</p> <p>22 drafting your declaration other than in-house</p> <p>23 counsel?</p> <p>24 A. No, just in-house counsel.</p> <p>25 Q. Did you speak to counsel for</p>	<p>13</p> <p>1 the exact dates.</p> <p>2 Q. Did you consult with anyone other</p> <p>3 than in-house counsel in giving any edits to your</p> <p>4 draft?</p> <p>5 A. No.</p> <p>6 Q. Did you consult any documents while</p> <p>7 editing your draft?</p> <p>8 A. I consulted the documents that are</p> <p>9 included, and a lot of it is just kind of inherent</p> <p>10 knowledge from day-to-day work.</p> <p>11 Q. Let's start with Paragraph 4 on the</p> <p>12 second page of your declaration.</p> <p>13 A. Sure.</p> <p>14 MR. McCARRICK: And Exhibit 1?</p> <p>15 MS. CORBELLO: Sorry. I'm going</p> <p>16 to mark your declaration as defense</p> <p>17 Exhibit 1.</p> <p>18 (Exhibit 1, Declaration, was</p> <p>19 marked for identification.)</p> <p>20 BY MS. CORBELLO:</p> <p>21 Q. So turning to paragraph 4 on page 2.</p> <p>22 A. Sure.</p> <p>23 Q. This paragraph talks about ranking</p> <p>24 content; correct?</p> <p>25 A. Can I have a second just to review?</p>

<p>14</p> <p>1 Q. Sure, go ahead.</p> <p>2 A. Thank you. Okay.</p> <p>3 Q. So this paragraph talks about a</p> <p>4 system of ranking content; correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Why does Facebook prioritize</p> <p>7 training and experience for users that expose them</p> <p>8 to what they find relevant and meaningful?</p> <p>9 A. It's a great question. It's</p> <p>10 something that we hear from users with that they</p> <p>11 want a meaningful experience on a platform:</p> <p>12 whether those are social interactions; things</p> <p>13 that they're interested in from the people that</p> <p>14 they follow; the pages or the people that they</p> <p>15 friend; the pages that they follow; the groups that</p> <p>16 they join; what content is more valuable to the</p> <p>17 individual.</p> <p>18 As you can imagine, the people that I am</p> <p>19 friends with in the groups that I follow may not be</p> <p>20 of interest to you and likewise, so we want to give</p> <p>21 people an experience that they've come to know and</p> <p>22 the power to build a community.</p> <p>23 Q. When you say "valuable," does that</p> <p>24 mean more likely to use the site and engage on the</p> <p>25 things that Facebook is showing them?</p>	<p>16</p> <p>1 direct feedback in a number of ways, including</p> <p>2 criticisms, including -- but also applause through</p> <p>3 articles or other, you know, think pieces. So</p> <p>4 that's one that we recognize as a way to, but</p> <p>5 primarily we look at the signals that we have a bit</p> <p>6 more fidelity in, try to deconflict anecdotal</p> <p>7 versus significant.</p> <p>8 Q. When users interact more on their</p> <p>9 Facebook page based on the rankings, does that</p> <p>10 increase ad revenue?</p> <p>11 MR. McCARRICK: Objection to form.</p> <p>12 THE WITNESS: You need to repeat</p> <p>13 it. Sorry.</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. When users engage in the content</p> <p>16 that Facebook displays for them, does that increase</p> <p>17 ad revenue?</p> <p>18 MR. McCARRICK: Same objection.</p> <p>19 THE WITNESS: I don't have a</p> <p>20 direct kind of causation or direct line,</p> <p>21 so I wouldn't know.</p> <p>22 BY MS. CORBELLO:</p> <p>23 Q. So user engagement does not increase</p> <p>24 ad revenue for Facebook?</p> <p>25 MR. DISHER: Objection, form.</p>
<p>15</p> <p>1 A. To find some value and experience,</p> <p>2 it could be anything. Not necessarily just with</p> <p>3 engagement but find value in the actual content</p> <p>4 that is presented to them.</p> <p>5 Q. Well, how do users demonstrate that</p> <p>6 they find value in the content that's being given</p> <p>7 to them?</p> <p>8 A. Engagement is one, so that could be</p> <p>9 either through comments, likes, sometimes sharings,</p> <p>10 so those are all things as well, but just reviewing</p> <p>11 the content and just -- we do run surveys as well</p> <p>12 to get direct feedback from users about the type of</p> <p>13 content so regardless of that level of engagement,</p> <p>14 we hear what users say they want.</p> <p>15 Q. What percentage of the users utilize</p> <p>16 the survey feature on Facebook?</p> <p>17 A. I don't have the number,</p> <p>18 unfortunately.</p> <p>19 Q. Is it possible to get that number?</p> <p>20 A. I can find out. I don't know.</p> <p>21 Q. Other than engagement and use of</p> <p>22 surveys, is there any other way that Facebook is</p> <p>23 able to tell whether users find content valuable or</p> <p>24 not?</p> <p>25 A. Sometimes we get direct feedback,</p>	<p>17</p> <p>1 THE WITNESS: I'm struggling a bit</p> <p>2 with the question, so I don't have -- I</p> <p>3 don't have metrics that indicate how</p> <p>4 that, how those things play out.</p> <p>5 BY MS. CORBELLO:</p> <p>6 Q. What's your struggle with the</p> <p>7 question?</p> <p>8 MR. DISHER: Objection, form.</p> <p>9 THE WITNESS: It's just the way</p> <p>10 that it's framed. If you could maybe</p> <p>11 reframe. It's just a little confusing to</p> <p>12 me.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. Is there a concept that you're</p> <p>15 missing that I can explain a little bit better?</p> <p>16 A. Well, it's partially your definition</p> <p>17 of engagement, and then are you asking if there is</p> <p>18 a direct correlation of one user engaging a content</p> <p>19 to ad revenue?</p> <p>20 Q. No. So the more users engage in the</p> <p>21 content on Facebook, does that increase Facebook's</p> <p>22 ad revenue?</p> <p>23 A. I don't have metrics on it. That's</p> <p>24 not my -- I'm not on the business side of the</p> <p>25 house.</p>

<p>18</p> <p>1 Q. Do you know the answer to that</p> <p>2 question or not?</p> <p>3 A. I do not.</p> <p>4 Q. Paragraph 4 says that the rankings</p> <p>5 are unique to each user. Do you see where it says</p> <p>6 that?</p> <p>7 A. I do.</p> <p>8 Q. So how are rankings made by</p> <p>9 Facebook? Is it algorithms or human based?</p> <p>10 A. The rankings are a combination of</p> <p>11 humans and algorithms. Humans can create the</p> <p>12 algorithms; humans also do a lot of the feedings of</p> <p>13 the algorithms, the machine learning, the AI, so</p> <p>14 not just the creation but the labeling of content</p> <p>15 that feeds into that. So with that combined with</p> <p>16 the automation, it's just a combination of how the</p> <p>17 rankings appear.</p> <p>18 Q. So when it says, "Rankings are</p> <p>19 unique to each user," it's the combination of</p> <p>20 algorithms and humans that are making that</p> <p>21 determination for each user?</p> <p>22 A. For the algorithm; correct.</p> <p>23 Q. Is the algorithm -- are the</p> <p>24 algorithms that are designed to create these</p> <p>25 rankings, are these based on what it determines</p>	<p>20</p> <p>1 decision on, we would demote that.</p> <p>2 So the ranking does take into</p> <p>3 account what you have liked, what you</p> <p>4 have engaged with, but it's also subject</p> <p>5 to those other measures.</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. So let's say a piece of</p> <p>8 user-generated content comes in, putting aside any</p> <p>9 algorithms, let's say it doesn't violate any</p> <p>10 policies by Facebook and it's just a nice piece of</p> <p>11 user-generated content, is the way it works that</p> <p>12 that content is essentially ranked for a user who</p> <p>13 would be interested in seeing it based on past</p> <p>14 behavior by that user on Facebook?</p> <p>15 MR. DISHER: Object. Form.</p> <p>16 THE WITNESS: In part. Similar</p> <p>17 content that also we have signals on</p> <p>18 other users are engaged.</p> <p>19 BY MS. CORBELLO:</p> <p>20 Q. So it's based on both what the user</p> <p>21 likely engages in and other users like that user</p> <p>22 might engage in. Is that fair?</p> <p>23 MR. McCARRICK: Objection to form.</p> <p>24 THE WITNESS: In a nutshell. To</p> <p>25 maybe clarify that point, your user, your</p>
<p>19</p> <p>1 based on training or any human involvement that</p> <p>2 each user is most interested in?</p> <p>3 MR. DISHER: Objection, form.</p> <p>4 THE WITNESS: Algorithm, repeat</p> <p>5 the question.</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. So the algorithms that are used to</p> <p>8 create these unique rankings, are these essentially</p> <p>9 looking for what each user is most interested in</p> <p>10 based on data that Facebook has for them, past</p> <p>11 likes, past shares?</p> <p>12 MR. DISHER: Objection, form.</p> <p>13 THE WITNESS: So -- in part. So</p> <p>14 it's a bit -- it's a bit more complex.</p> <p>15 We have many algorithms that are news</p> <p>16 feeds including algorithms that moderate</p> <p>17 content, algorithms that demote content</p> <p>18 as well.</p> <p>19 So we have -- we have a number of</p> <p>20 policies that we apply to content</p> <p>21 moderation. If there is something that</p> <p>22 would violate one of these policies, we</p> <p>23 would remove it. If there's something</p> <p>24 that we call borderline that runs up</p> <p>25 against the policy but we haven't made a</p>	<p>21</p> <p>1 individual user, the friends, the pages,</p> <p>2 the groups that is going to be the</p> <p>3 majority, I think is around 87 percent of</p> <p>4 the signal comes from that subject to</p> <p>5 those other things that we talked about:</p> <p>6 content moderation, algorithms,</p> <p>7 demotion of algorithms. But we also take</p> <p>8 signal on other issues, for example,</p> <p>9 sharing of the link, just kind of broad</p> <p>10 sharing of the link or sharing, you may</p> <p>11 have seen this in your Facebook or</p> <p>12 Instagram feed, the sharing of Oh, I got</p> <p>13 Jordans or I've got Ray Bans, that type</p> <p>14 of stuff making sure that if it's a</p> <p>15 repeated sharing that looks like spam,</p> <p>16 that we're also taking appropriate</p> <p>17 actions and things like that.</p> <p>18 BY MS. CORBELLO:</p> <p>19 Q. Let's go to paragraph 8, which is on</p> <p>20 the same page. Do you want to take a second to</p> <p>21 read it. I think it goes down to the next page.</p> <p>22 A. I appreciate it, thank you.</p> <p>23 Q. Do you see the second sentence</p> <p>24 there, "People will not use Facebook if they not</p> <p>25 physically safe"?</p>

<p>22</p> <p>1 A. Yes.</p> <p>2 Q. What's your basis for this</p> <p>3 knowledge?</p> <p>4 A. I don't have direct feedback, I</p> <p>5 don't have hard data but I've been in a number of</p> <p>6 conversations with civil society members, the</p> <p>7 public at writ large where they've communicated</p> <p>8 that. In fact, we've been the targets of a boycott</p> <p>9 on a number of occasions for people not feeling</p> <p>10 safe on the platform.</p> <p>11 Q. Do you -- in your position as vice</p> <p>12 president of Trust and Safety Policy, do you</p> <p>13 receive direct user feedback?</p> <p>14 A. Sometimes.</p> <p>15 Q. From Facebook?</p> <p>16 MR. McCARRICK: Objection to form.</p> <p>17 Q. So users can fill out -- there's</p> <p>18 some sort of complaint system for Facebook, right,</p> <p>19 for users?</p> <p>20 A. There are complaint systems.</p> <p>21 Q. Do you receive those complaints that</p> <p>22 come in through the Facebook website?</p> <p>23 A. No, I do not.</p> <p>24 Q. Do you review any of the user</p> <p>25 complaints that come in through Facebook?</p>	<p>24</p> <p>1 you including both of those sentiments from users?</p> <p>2 A. The sentiment that they would not</p> <p>3 use Facebook if they don't --</p> <p>4 Q. Or they don't feel safe currently.</p> <p>5 A. That's what they say. I have no way</p> <p>6 to prove their intent. I can't speculate on it if</p> <p>7 it's actually true, but that's what they felt.</p> <p>8 Q. Do you have any other basis for your</p> <p>9 claim that people will not use Facebook if they do</p> <p>10 not feel safe?</p> <p>11 A. That's my view.</p> <p>12 Q. The next sentence, "Advertisers</p> <p>13 similarly will not advertise on Facebook if they</p> <p>14 believe it's not effective at removing harmful</p> <p>15 content, a content that violates our community</p> <p>16 standards."</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. What's your basis for that</p> <p>20 statement?</p> <p>21 A. I've been in contact with a number</p> <p>22 of advertisers. As I mentioned briefly, we've been</p> <p>23 a target of a boycott, I believe a boycott last</p> <p>24 year by advertisers where that that was one of</p> <p>25 their number one concerns.</p>
<p>23</p> <p>1 A. No, no, I do not.</p> <p>2 Q. And so your knowledge for the</p> <p>3 sentence people will not use Facebook if they do</p> <p>4 not feel safe is based on anecdotal?</p> <p>5 MR. DISHER: Objection. Form.</p> <p>6 THE WITNESS: Yes. Clarify</p> <p>7 anecdotal. I've heard from people</p> <p>8 directly say to me it's anecdotal. I</p> <p>9 don't know if they would go through with</p> <p>10 it, but the difference between the</p> <p>11 complaint system, people either approach</p> <p>12 me directly, in person, they have email</p> <p>13 addresses, they have phone numbers, and</p> <p>14 they will call and they will lodge</p> <p>15 complaints that are outside of the</p> <p>16 Facebook complaint system.</p> <p>17 BY MS. CORBELLO:</p> <p>18 Q. And are there complaints that they</p> <p>19 won't use Facebook if they don't feel safe?</p> <p>20 A. Yes.</p> <p>21 Q. Are any of their complaints that</p> <p>22 they don't currently feel safe on Facebook?</p> <p>23 A. I have heard those.</p> <p>24 Q. So when you talk about the anecdotal</p> <p>25 evidence you've heard of this, this sentence, are</p>	<p>25</p> <p>1 Q. Do you deal directly with</p> <p>2 advertisers as part of your position as vice</p> <p>3 president?</p> <p>4 A. Not on a daily basis but on occasion</p> <p>5 I would.</p> <p>6 Q. What are the occasions on which you</p> <p>7 deal with advertisers?</p> <p>8 A. When one of our policies or one of</p> <p>9 our public policies -- not all of our policies are</p> <p>10 public -- but when that becomes an issue of</p> <p>11 scrutiny, I will hopefully explain how our</p> <p>12 policies, our intentions on enforcement of those</p> <p>13 policies to work with advertisers. But many</p> <p>14 advertisers also are just concerned with the</p> <p>15 platform broadly outside of an inflection point</p> <p>16 because they're worried about their brands.</p> <p>17 Q. You said there was an advertiser</p> <p>18 boycott last year?</p> <p>19 A. 2020.</p> <p>20 Q. Have there been any other advertiser</p> <p>21 boycotts that you know of?</p> <p>22 A. That is the one that I know of. You</p> <p>23 have to survey the advertisers. I don't know if</p> <p>24 they -- what started what they consider a boycott,</p> <p>25 but there was a known boycott in 2020.</p>



<p style="text-align: right;">26</p> <p>1 Q. You said you talked to some of these 2 advertisers on an ad hoc basis?</p> <p>3 A. Correct.</p> <p>4 Q. What are some of the concerns that 5 they expressed to you?</p> <p>6 A. Advertisers, especially their 7 marketing offices, are highly concerned about their 8 brand and the brand appearing next to content that 9 they find to be objectionable.</p> <p>10 Now, objectionable content for Facebook may 11 not actually violate, but they are also very, very 12 I guess focused on content that does violate or 13 perceived to violate our policies that we haven't 14 been able to enforce against.</p> <p>15 So for any type of brand safety, if you 16 will, the advertisers who invest obviously a lot of 17 their resources into Facebook want to ensure that 18 the platform is one that is safe.</p> <p>19 Q. And so these are past concerns that 20 the advertisers have expressed?</p> <p>21 A. I guess it's hard to speculate for 22 me on is it past or future. They generally are 23 talking about past events to inform future spend.</p> <p>24 Q. So is it fair to say that there has 25 been content presented on Facebook that advertisers</p>	<p style="text-align: right;">28</p> <p>1 partnerships whose main focus is on advertiser 2 support.</p> <p>3 Q. That's who would handle any sort of 4 advertiser threat to leave the platform?</p> <p>5 A. That team, they are the main 6 interface with advertisers.</p> <p>7 Q. Who is the head of that team?</p> <p>8 A. Our current chief business officer 9 is Marne Levine.</p> <p>10 Q. Can you spell that first name for 11 me.</p> <p>12 A. Sure. M-a-r-n-e.</p> <p>13 Q. Have you ever -- other than the 14 boycott you told me about, have you ever come 15 across another advertiser who stopped using 16 Facebook due to the concerns we've talked about?</p> <p>17 A. Personally, no.</p> <p>18 Q. Are you aware of where those 19 advertisers would go if not using Facebook?</p> <p>20 MR. DISHER: Objection to form.</p> <p>21 MR. McCARRICK: Objection to form.</p> <p>22 THE WITNESS: I can't speculate.</p> <p>23 I'm not their CMOs or investment ops.</p> <p>24 BY MS. CORBELLO:</p> <p>25 Q. No advertiser or rep of an</p>
<p style="text-align: right;">27</p> <p>1 did not agree with in the past?</p> <p>2 A. Yes.</p> <p>3 Q. Content on Facebook that advertisers 4 believe harm their brand has been present in the 5 past?</p> <p>6 A. If I can rephrase that to content 7 that they would not -- they would not want their 8 brand to appear next to.</p> <p>9 Q. That has existed in the past on 10 Facebook?</p> <p>11 A. They have made the argument.</p> <p>12 Q. Are you involved with anything to do 13 with advertiser retention?</p> <p>14 A. I'm not -- I don't know what that 15 is. So I mean, I know what the words mean, but I 16 don't know that that's a team that we have. So no, 17 I'm not directly involved.</p> <p>18 Q. So when an advertiser -- some of the 19 examples you gave when an advertiser starts saying 20 that they don't like their brand being next to a 21 certain piece of content, they might walk, who 22 deals with that at Facebook?</p> <p>23 A. We have a full, what we call the 24 business operations team. So it's a team of what 25 we call global management services, who holds</p>	<p style="text-align: right;">29</p> <p>1 advertiser has ever told you where they might go 2 alternatively to using the Facebook platform?</p> <p>3 A. They never told me directly. I 4 haven't asked.</p> <p>5 Q. The last sentence of paragraph 8, 6 people and advertisers have stopped using Facebook 7 due to these concerns?</p> <p>8 A. Yes.</p> <p>9 Q. I know we talked about the boycott. 10 What are the other -- what other personal knowledge 11 do you have that forms the basis of this statement?</p> <p>12 A. There's a lot of -- there's a lot of 13 public reporting, and I'm taking those public 14 reports as being accurate of people, you know, 15 hashtag Delete Facebook, which is a kind of a known 16 trend that appears routinely. The advertiser 17 boycott.</p> <p>18 There's also a civil rights boycott led by 19 an organization called Color of Change where I 20 don't understand how they would prove who is 21 deleting Facebook or not. But that is one of the 22 tenets that you delete Facebook to join that 23 boycott.</p> <p>24 Q. Why does that group ask its members 25 to delete Facebook? What was the basis, if you</p>



<p>30</p> <p>1 know?</p> <p>2 MR. McCARRICK: Object to form.</p> <p>3 THE WITNESS: I can't speculate on</p> <p>4 all the reasons why. Publicly they claim</p> <p>5 that Facebook has hate on the platform.</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. You don't have any personal</p> <p>8 knowledge as to the fact that the members of this</p> <p>9 group don't feel safe and so they delete Facebook</p> <p>10 because of that?</p> <p>11 A. I can't speculate to someone's</p> <p>12 emotion. I can tell you what they've told me. I</p> <p>13 can't speculate to if it's actually true.</p> <p>14 Q. What is the name of this group?</p> <p>15 A. Color of Change.</p> <p>16 Q. Color of Change?</p> <p>17 A. You yes.</p> <p>18 Q. Have you spoken to anyone with this</p> <p>19 group?</p> <p>20 A. Yes.</p> <p>21 Q. And what have they told you is their</p> <p>22 basis for leaving Facebook?</p> <p>23 A. We have too much hate on the</p> <p>24 platform. That's in a nutshell.</p> <p>25 Q. Anything else?</p>	<p>32</p> <p>1 BY MS. CORBELLO:</p> <p>2 Q. Let's go to paragraph 9 if you want</p> <p>3 to take a second to read that one.</p> <p>4 A. Sure, thank you.</p> <p>5 Q. On page 4.</p> <p>6 A. Yes.</p> <p>7 Q. The first sentence, to me that reads</p> <p>8 that essentially Facebook's goal is to foster an</p> <p>9 open debate sort of forum. Is that correct?</p> <p>10 MR. DISHER: Objection. Form.</p> <p>11 THE WITNESS: Facebook's mission</p> <p>12 is to give people the power to build</p> <p>13 community. So to the extent that giving</p> <p>14 people voice which is important, freedom</p> <p>15 of expression is a human right, yes. We</p> <p>16 want to foster a platform for expression.</p> <p>17 BY MS. CORBELLO:</p> <p>18 Q. How many people use Facebook</p> <p>19 currently?</p> <p>20 A. The family of action services has</p> <p>21 approximately 3 billion, I think Facebook is around</p> <p>22 2.8 billion, but I don't know the exact numbers for</p> <p>23 November. Those are global numbers, obviously.</p> <p>24 Q. That was going to be my next</p> <p>25 question. Explain to me a little bit more what</p>
<p>31</p> <p>1 A. They have a myriad of like smaller</p> <p>2 lists of specific content, but I can't recall those</p> <p>3 now.</p> <p>4 Q. The hashtag Delete Facebook that you</p> <p>5 mentioned a moment ago, do you know the basis for</p> <p>6 those users' reasons for wanting to delete</p> <p>7 Facebook?</p> <p>8 MR. McCARRICK: Objection to form.</p> <p>9 THE WITNESS: I can't speculate on</p> <p>10 all of it, but similar to the Color of</p> <p>11 Change, what they publicly say on Twitter</p> <p>12 is Facebook has hate on the platform.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. All of these that use the hashtag</p> <p>15 Delete Facebook say that?</p> <p>16 A. I can't -- I have not done a survey</p> <p>17 of all the users who have said that. So I don't</p> <p>18 want to attest to something I wouldn't be certain</p> <p>19 on.</p> <p>20 Q. So you aren't able to say sitting</p> <p>21 here today why people are using the hashtag Delete</p> <p>22 Facebook?</p> <p>23 MR. DISHER: Objection to form.</p> <p>24 THE WITNESS: I can't say why all</p> <p>25 those people are doing that.</p>	<p>33</p> <p>1 that means, give people the power to build</p> <p>2 community.</p> <p>3 A. Sure. It's core to the mission of</p> <p>4 how markets set division for Facebook, give people</p> <p>5 a power of voice to connect. So whether that's</p> <p>6 connecting through individuals, friends that you</p> <p>7 may friend, really, I think one of the things I'm</p> <p>8 most proud of on Facebook is the work that we do in</p> <p>9 groups to allow groups to thrive for people who</p> <p>10 would otherwise not have -- not be able to connect</p> <p>11 with people that have like interests or like lived</p> <p>12 experience.</p> <p>13 For example, there was a group that works</p> <p>14 on disability, providing channels for those who are</p> <p>15 disabled. For COVID you can imagine how difficult</p> <p>16 it is for people that cannot otherwise be mobile</p> <p>17 enough to do errands, but in a world where it's</p> <p>18 very, you know, essential workers are very strapped</p> <p>19 and having people actually come into contact</p> <p>20 directly with individuals.</p> <p>21 I've seen reports where in feedback,</p> <p>22 anecdotal, these are individuals with experience</p> <p>23 but saying that those groups were lifesavers,</p> <p>24 allowed them to connect to third parties, essential</p> <p>25 workers that were able to step in and provide</p>

<p>34</p> <p>1 services that sometimes the governments cannot 2 provide.</p> <p>3 Q. So it sounds like Facebook operates 4 in an essential way for a large majority of the 5 public. Is that fair to say?</p> <p>6 MR. McCARRICK: Objection to form.</p> <p>7 THE WITNESS: You'd have to define 8 "essential." For that one person, for 9 that person where -- whose story that I 10 happen to be familiar with and by 11 reading, it was very important. 12 Essential maybe has other connotations.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. Well, you said Facebook does things 15 that certain governments can't do; correct?</p> <p>16 A. I didn't say certain governments 17 can't do. I said they were stepping into places 18 where governments were not acting. I'm not sure 19 what the government can or can't do.</p> <p>20 Q. Okay. So give some examples where 21 you've seen that happen.</p> <p>22 A. Seen what happen?</p> <p>23 Q. Facebook stepping in where 24 governments weren't acting.</p> <p>25 A. That's one example that I have.</p>	<p>36</p> <p>1 access to it. Like you have a computer, phone or 2 something of that nature.</p> <p>3 Q. Any other obstacles to becoming a 4 user on Facebook other than the ones we just 5 discussed?</p> <p>6 MR. DISHER: Objection to form.</p> <p>7 THE WITNESS: Obstacles, obstacles 8 from whom, I guess.</p> <p>9 BY MS. CORBELLO:</p> <p>10 Q. I guess just information that 11 Facebook needs before it allows you to be a user on 12 its platform.</p> <p>13 A. I'm not positive. I'm not positive. 14 It's not my sign-up, that kind of portfolio is not 15 in my portfolio, so I'm not exactly sure if there 16 are other additional things that people have to 17 attest to, agree to on those sign-ups.</p> <p>18 Q. You mentioned a second ago that 19 there is some kind of -- is there an alternative 20 screening for people with criminal backgrounds, 21 terrorist links?</p> <p>22 A. Not an alternative screen per se. 23 We do keep -- for known people or people who have 24 been known to be convicted of child sexual assault 25 or sexual assault broadly, sexual assault broadly,</p>
<p>35</p> <p>1 Q. Do you have any others?</p> <p>2 A. I would have to really kind of sit 3 down and do long thinking about it. Nothing comes 4 to me.</p> <p>5 Q. How does one become a user on 6 Facebook?</p> <p>7 A. You can sign up on Facebook if 8 you're over 13. If you're over 13 and you're not a 9 certain class of person -- and I can go into those, 10 those are people with specific criminal histories, 11 child sexual abuse material, providers or those 12 that traffic in terrorist, those things.</p> <p>13 You can go to your Facebook.com, sign up, 14 agree to the Terms of Service. Attesting that 15 you're over 13 as well and then create your 16 account.</p> <p>17 Q. Is it fair to say you need a birth 18 date, a name and a valid email address to sign up 19 for Facebook?</p> <p>20 MR. DISHER: Objection to form.</p> <p>21 Q. Can you say that again?</p> <p>22 A. You would need a real name, a name, 23 our policies dictate a name that you are known by 24 so an authentic name in the sense of an email 25 address or a phone number and a -- some I guess</p>	<p>37</p> <p>1 where we can find and have fidelity and information 2 provided. So convictions, if the state of Texas 3 convicts someone, convicts John Smith and John 4 Smith's name is on the registry, that person would 5 not be allowed.</p> <p>6 Similarly for people who are affiliated 7 with terrorist organizations, if you are bin Laden, 8 for example, if he were alive, Osama bin Laden, 9 signing up for that, we would not allow that.</p> <p>10 Q. Is that a media blockade, you're 11 denied entry at the door, or is that something 12 where Facebook removes the profile after the fact?</p> <p>13 A. It differs. I would say it differs. 14 In many cases it's after the fact, that once we are 15 alerted to it, we don't necessarily have a list of 16 individuals, like we're not scanning a list of 17 registry and kind of doing that comparison at the 18 time of. But we were alerted to, so it's once we 19 have knowledge of.</p> <p>20 Q. And so what information does 21 Facebook use when it's checking those databases?</p> <p>22 A. We generally use the open source 23 database that we have. One point of clarification, 24 a brief statement. For those known terrorists, we 25 do prevent specific names from being created. So</p>

<p>38</p> <p>1 you couldn't come on and like say I am Osama 2 bin Laden, if unfortunately your name was actually 3 that, you are not the terrorist, then there are 4 like a number of steps you would have to go through 5 to prove that, okay, you're not just trying to 6 create a profile to create or represent the 7 individual. 8 Q. Can that person who is unfortunately 9 named Osama bin Laden just enter in a different 10 name and create a user profile? 11 A. They could. 12 Q. And for the example of the child 13 sexual predator, is that something you just search 14 for by name, or do you utilize both their name and 15 birth date, whatever they've signed up for? 16 A. That's correct. We use a number of 17 signals, including their name, including other 18 signals that we were able to derive, including a 19 report upon them, that it's likely that this person 20 has been convicted of child or not -- I don't want 21 to say child, but a sexual offense. 22 Q. Does Facebook have any ability to 23 screen between legitimate and illegitimate users 24 that are signing up for Facebook? 25 MR. McCARRICK: Objection to form.</p>	<p>40</p> <p>1 manage to distinguish between legitimate and 2 illegitimate accounts that are being made? 3 A. So real accounts versus fake 4 accounts? 5 Q. Yes. 6 A. I'll use that. We use automation, a 7 lot of automation that is informed by kind of human 8 development to identify what signals of the fake 9 account are. So that's creation dates, patterns of 10 friends that you have, patterns of sharing that you 11 create. 12 So everything from this seems that this, 13 this one device created 10 accounts with very 14 similar birth dates, you know, ranging from X, Y, 15 Z, to their friending the same people or the same 16 groups of people or doing a lot of friends that are 17 unconnected. 18 So it's a little bit -- it would be very 19 unique for a person, perhaps. In Washington, D.C. 20 too, my first 40 friends are in, you know, 21 globally, globally that while not dispositive gives 22 a signal that there may be further investigation. 23 Compiling all the signals and we make decisions. 24 Q. So it sounds like when Facebook is 25 screening for fake accounts it's doing so after the</p>
<p>39</p> <p>1 THE WITNESS: Can you define the 2 legitimate, what does that mean? 3 BY MS. CORBELLO: 4 Q. Sure. So Facebook has many bots on 5 its site at any given time; right? 6 MR. DISHER: Objection to form. 7 THE WITNESS: I don't think that's 8 fully accurate, but -- that we have many 9 bots, but "many" is kind of an ambiguous 10 word. 11 BY MS. CORBELLO: 12 Q. Is it fair to say that Facebook can 13 have millions of bots on its platform at any given 14 time? 15 MR. McCARRICK: Object to form. 16 THE WITNESS: I'm also struggling 17 a bit on the bots. I think what you're 18 referring to maybe is fake accounts. 19 BY MS. CORBELLO: 20 Q. Yes. 21 A. Yes, we do have fake accounts on the 22 site, and we stopped many of those at creation. 23 Q. So how does Facebook manage to 24 stop -- I'm going to use the terms again now that 25 we understand what they are -- how does Facebook</p>	<p>41</p> <p>1 fake account has already made it on to the platform 2 and started utilizing it in some way; right? 3 MR. DISHER: Objection to form. 4 THE WITNESS: Actually, that's 5 incorrect. We do a lot of screening up 6 front as well. I'm sorry to give you 7 some signals, but we do a lot of 8 screening up front. Our latest 9 transparency report actually mentions the 10 number of fake accounts we remove at 11 creation. 12 BY MS. CORBELLO: 13 Q. And so how does -- specifically as 14 to the upfront creation of a user account, how does 15 that screening work? 16 A. I don't have all the particulars. I 17 gave you some of the ideas on name, dates, devices 18 that they are created from, but I don't have all 19 the particulars. I'm not an engineer. 20 Q. Who would know that information? 21 A. Our integrity teams broadly. 22 Q. And who is the head of that team? 23 A. The head of Integrity is a gentleman 24 by the name of Guy Rosen. 25 Q. Does Facebook -- once someone has</p>

<p>42</p> <p>1 created a user account and gained access to the  2 platform, does Facebook treat all of those users  3 equally in terms of applying its policies and terms  4 and conditions?  5 A. Yes. Yes, they do. There are some  6 specific rules, some certain rules that have  7 different applications, but broadly yes.  8 Q. The user-generated content is  9 treated the same by your algorithms regardless of  10 which user is generating that content?  11 MR. DISHER: Objection to form.  12 THE WITNESS: Maybe repeat the  13 question.  14 BY MS. CORBELLO:  15 Q. Sure. The algorithms that are  16 coming in contact with user-generated content as it  17 comes on to the platform, are those algorithms  18 treating that content the same regardless of the  19 user that generates the content?  20 MR. DISHER: Objection to form.  21 THE WITNESS: I think it would be  22 two similarly situated users, yes.  23 That's accurate.  24 BY MS. CORBELLO:  25 Q. What do you mean by "similarly</p>	<p>44</p> <p>1 talking about, what are the specific policies and  2 practices that are related to users getting on to  3 Facebook?  4 A. This sentence is very much meant to  5 describe our community standards. So those are the  6 policies and abuse areas that we use to govern  7 content. But within those, within those community  8 standards as well we did discuss the -- those that  9 are objectionable offenses, convictions,  10 terrorists.  11 But also within that, I should be fair,  12 there are others, spammers and scammers also fall  13 under that as well. And as you can imagine, we  14 have kind of robust signals on people. We use  15 troll farms or spam farms to kind of create that  16 type of content.  17 Q. Does Facebook currently have any  18 algorithms or source codes that are used  19 specifically to screen users and deny them entry  20 before getting on to the platform?  21 MR. McCARRICK: Objection to form.  22 THE WITNESS: I'm not familiar on  23 how each algorithm works in that sense.  24 BY MS. CORBELLO:  25 Q. Let's go down to paragraph -- well,</p>
<p>43</p> <p>1 situated"?  2 A. I guess where I'm struggling is so  3 pages get different treatment, individuals get  4 different treatment, individuals vis-a-vis pages  5 have different treatment. And -- but if you're  6 posting -- I'm trying to make sure that we're  7 talking apples to apples, people posting the same  8 content, yes, that should be the same.  9 Q. That's what I was asking.  10 A. The factors there are also if you  11 are, you know, perhaps if you're followed by a lot  12 of people, a lot more people may see -- you know,  13 you may be followed by many, I'm not followed by  14 any, and so your post may be seen by more people  15 than mine. But it would be treated the same as far  16 as our policies.  17 Q. Let's go to paragraph 10. If you  18 want to take a second.  19 A. Thank you. Yes.  20 Q. Do you see where it says, the first  21 sentence that Facebook has developed robust  22 policies and practices relating to content  23 permitted on its service.  24 A. I do.  25 Q. Going back to what we were just</p>	<p>45</p> <p>1 I'm going to kind of talk about 11 to 13 all  2 together if you want to just --  3 A. Sure.  4 Q. -- review them all.  5 A. Thank you.  6 Q. So let's start with 11. Talk about  7 the Terms of Service and community standards.  8 A. Yes.  9 Q. Are these basically what Facebook  10 lives by when it comes to content moderation on its  11 platform?  12 A. Primarily, yes.  13 Q. What else does Facebook rely on?  14 A. I'd have to define the moderation.  15 I think moderation means different things to  16 different people. Moderation in these terms are,  17 especially around community standards, are  18 subsequently binary choices on moderation. Meaning  19 that we allow or remove. We also used algorithms  20 to rank and prioritize.  21 We have rules that fall outside of those  22 community standards on who can monetize certain  23 type of content as well. Who can advertise. That  24 does fall under community standards. But it's a  25 very, very, I guess, broad term of moderation.</p>

<p style="text-align: right;">46</p> <p>1 Those are more so focused on the binary allow and 2 removal decisions. 3 Q. Well, this sentence says that Terms 4 of Service and community standards describes what 5 content is acceptable. 6 A. Yes. From a removal -- again, from 7 a removal versus binary removal one zero -- I don't 8 know why I'm using those terms -- removal and allow 9 position. There is a lot of content that is 10 acceptable on Facebook, but where that ranks, your 11 ability to promote that content may have different 12 treatment. 13 Q. So the way that you've used it in 14 your declaration, what else besides the Terms of 15 Service and community standards define what content 16 is acceptable on Facebook? 17 A. What is allowed? If we can -- if we 18 say, as we say allowed, yes. 19 Q. Did you mean allowed in that first 20 sentence? 21 A. As I'm talking to you now, I think I 22 use those interchangeably and I maybe should have 23 been more specific. 24 Q. Okay. And you said yes, there are 25 other policies besides the Terms of Service and</p>	<p style="text-align: right;">48</p> <p>1 MR. DISHER: Objection to form. 2 THE WITNESS: Repeat one more 3 time. 4 BY MS. CORBELLO: 5 Q. Does anyone outside of Facebook give 6 any input as to how the Terms of Service or 7 community standards should look at any given time? 8 MR. DISHER: Objection to form. 9 THE WITNESS: We do broad 10 engagement on our policies and policy 11 development to have a feedback, to have a 12 better understanding of how to support a 13 community of 3 billion people. If any 14 one person or any outside group's 15 thoughts on anything dispositive, no, we 16 make those decisions ourselves. 17 BY MS. CORBELLO: 18 Q. Facebook controls what's in its 19 Terms of Service and what's in its community 20 standards? 21 A. Yes. 22 Q. Facebook controls currently what 23 content it wants to moderate and what content it 24 wants to let through; correct? 25 MR. McCARRICK: Objection to form.</p>
<p style="text-align: right;">47</p> <p>1 community standards for what content is allowed? 2 A. No. No. That's the point I'm 3 trying to clarify. For what may get different 4 treatments on the platform. 5 Q. It says the specific requirements 6 have evolved. Who is responsible for giving input 7 on when those requirements need to evolve? 8 A. A broad cross-functional team of 9 individuals. I think what I maybe explained 10 earlier, we do a lot of stakeholder engagement. 11 Getting signal from civil society, getting signal 12 from academics, looking at signal on our platform 13 through our own data to inform policy that needs to 14 be updated, giving the community the best 15 experience. 16 Q. Does anyone outside of Facebook 17 control what the Terms of Service or community 18 standards look like? 19 A. Control? 20 MR. DISHER: Objection to form. 21 THE WITNESS: No. 22 BY MS. CORBELLO: 23 Q. Does anyone outside of Facebook have 24 any input on how the Terms of Service and community 25 standards look at any given time for Facebook?</p>	<p style="text-align: right;">49</p> <p>1 THE WITNESS: Yes. 2 BY MS. CORBELLO: 3 Q. Fair to say Facebook would not be in 4 favor of a law that takes away their ability to do 5 that? 6 A. That's correct. 7 Q. So then on the flip side, would 8 Facebook be in favor of a law what allows them to 9 maintain that ability? 10 MR. McCARRICK: Objection to form. 11 THE WITNESS: To maintain the 12 ability to moderate, just for 13 clarification? 14 BY MS. CORBELLO: 15 Q. Yes. So on the flip side, would 16 Facebook be in favor of a law that allows them to 17 maintain the ability to dictate what content they 18 are moderating? 19 MR. McCARRICK: Object to form. 20 THE WITNESS: Yes, we want to be 21 able to apply our moderation policies. 22 BY MS. CORBELLO: 23 Q. For paragraph 13 -- 12 is about 24 Terms of Service and 13 is about community 25 standards; correct?</p>

<p>50</p> <p>1 A. One second.</p> <p>2 That is correct.</p> <p>3 Q. The way you described both the Terms</p> <p>4 of Service and the community standards in</p> <p>5 paragraphs 12 and 13, those are all dictated by</p> <p>6 Facebook only; correct?</p> <p>7 MR. DISHER: Objection to form.</p> <p>8 THE WITNESS: Broadly, yes. There</p> <p>9 may be some attestations to, you know, to</p> <p>10 existing under current legal structure,</p> <p>11 but I don't know them offhand.</p> <p>12 BY MS. CORBELLO:</p> <p>13 Q. The second-to-last sentence in</p> <p>14 paragraph 13, it says Facebook's policies are</p> <p>15 designed to allow room for these types of</p> <p>16 expression. Obviously you're referring to the</p> <p>17 sentence right above.</p> <p>18 A. Okay, yes.</p> <p>19 Q. What policies specifically are you</p> <p>20 talking about in this sentence?</p> <p>21 A. Our community standards. So those</p> <p>22 are the 22 abuse areas that I referred to earlier,</p> <p>23 and that covers a variety of issues ranging from</p> <p>24 the criminal, violence incitement, designated</p> <p>25 individuals and organizations according harm to the</p>	<p>52</p> <p>1 promote -- we're able to promote more</p> <p>2 conversations on positive -- strike</p> <p>3 "positive," but on content that people</p> <p>4 find to be valuable.</p> <p>5 BY MS. CORBELLO:</p> <p>6 Q. Okay. So this sentence was meant to</p> <p>7 essentially express that the policies restricting</p> <p>8 speech allow for more open speech?</p> <p>9 MR. McCARRICK: Objection to form.</p> <p>10 THE WITNESS: If I can take one</p> <p>11 second to explain the way that we think</p> <p>12 through our voice and expression.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. Sure.</p> <p>15 A. Voice is one of our paramount tenets</p> <p>16 for these policies and the creation of these</p> <p>17 policies. The voice is embedded, so we look at</p> <p>18 things like safety, we look at things like dignity</p> <p>19 of the speaker, authenticity. We look at all these</p> <p>20 issues to ensure that by removing those things that</p> <p>21 would make people feel unsafe, removing the</p> <p>22 inauthentic actors from the platform, removing</p> <p>23 things that would attack someone's dignity,</p> <p>24 removing things that would maybe jeopardize</p> <p>25 someone's privacy, it allows the voice that is --</p>
<p>51</p> <p>1 objectionable things like hate speech to those that</p> <p>2 are more safety oriented, things like harassment</p> <p>3 and bullying, sexual exploitation, to intellectual</p> <p>4 property, to authenticity, the spam, scam, scammish</p> <p>5 behavior.</p> <p>6 Q. Those policies that you talked about</p> <p>7 are more so about restricting certain expression;</p> <p>8 right?</p> <p>9 MR. McCARRICK: Objection to form.</p> <p>10 THE WITNESS: They are to moderate</p> <p>11 the platform to ensure we have safety for</p> <p>12 our users.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. So this sentence here where it talks</p> <p>15 about allowing room for types of expression, what</p> <p>16 are the specific policies that allow for that room?</p> <p>17 MR. McCARRICK: Objection to form.</p> <p>18 Q. As opposed to prohibit or restrict</p> <p>19 expression.</p> <p>20 MR. McCARRICK: Objection to form.</p> <p>21 THE WITNESS: The way that we view</p> <p>22 allowing people to talk to discuss these</p> <p>23 things in meaningful ways is to make sure</p> <p>24 that we're removing the harmful content.</p> <p>25 So by removing harmful content we</p>	<p>53</p> <p>1 that we favor or excuse me, not necessarily favor,</p> <p>2 but that we would want to see on our platform, the</p> <p>3 community wants to see on the platform.</p> <p>4 Q. Is the answer to my question yes?</p> <p>5 MR. McCARRICK: Objection to form.</p> <p>6 MR. DISHER: Objection to form.</p> <p>7 THE WITNESS: Repeat the question.</p> <p>8 BY MS. CORBELLO:</p> <p>9 Q. Is this sentence essentially saying</p> <p>10 that removal or restriction of certain types of</p> <p>11 expression allows for more room for other types of</p> <p>12 expression?</p> <p>13 MR. McCARRICK: Objection to form.</p> <p>14 THE WITNESS: Broadly, yes.</p> <p>15 BY MS. CORBELLO:</p> <p>16 Q. Let's take a minute to read</p> <p>17 paragraph 14 for me.</p> <p>18 A. Sure.</p> <p>19 Yes.</p> <p>20 Q. I want to start with the second</p> <p>21 sentence, and then we'll go back to the first.</p> <p>22 A. Sure.</p> <p>23 Q. It says, "Facebook's artificial</p> <p>24 intelligence systems find more than 90 percent of</p> <p>25 the content they remove before anyone reports it."</p>



<p style="text-align: right;">54</p> <p>1 A. That's correct.</p> <p>2 Q. What percentage of content is</p> <p>3 flagged versus what's removed?</p> <p>4 MR. McCARRICK: Objection to form.</p> <p>5 THE WITNESS: I don't have those,</p> <p>6 those numbers directly. Just one</p> <p>7 highlight. Something that can be flagged</p> <p>8 may also be removed or found by</p> <p>9 automation. So you will get sometimes</p> <p>10 overlap there, but your question</p> <p>11 specifically is what was flagged, but not</p> <p>12 removed?</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. What's the percentage of content</p> <p>15 that's flagged versus what's removed.</p> <p>16 MR. McCARRICK: Objection to form.</p> <p>17 THE WITNESS: I don't have those</p> <p>18 numbers.</p> <p>19 BY MS. CORBELLO:</p> <p>20 Q. Well, let me -- so the sentence if</p> <p>21 you look at it a little bit more carefully, it says</p> <p>22 AI specifically finds more than 90 percent of the</p> <p>23 content that is removed.</p> <p>24 So just speaking in very small numbers, if</p> <p>25 only 10 pieces of content are removed, that means</p>	<p style="text-align: right;">56</p> <p>1 content has been -- 90 percent of the content that</p> <p>2 has been removed has been removed by AI, that</p> <p>3 doesn't tell me anything about what is overall</p> <p>4 flagged before it's removed. Does that make sense?</p> <p>5 A. So yes. If I can take a couple</p> <p>6 seconds maybe to define and maybe better explain</p> <p>7 it. Bad on me for poor draftmanship.</p> <p>8 If there are 100 pieces of content removed</p> <p>9 what we're seeing is that 90 percent, 90 were</p> <p>10 identified by AI of the hundred pieces of content</p> <p>11 removed. So all hundred pieces of content were</p> <p>12 removed. That sentence has nothing to do with -- I</p> <p>13 think what you're asking is is there other content</p> <p>14 on the platform.</p> <p>15 Q. Is there content that is flagged but</p> <p>16 not removed on Facebook?</p> <p>17 A. Undoubtedly there's contents flagged</p> <p>18 by AI that was not removed.</p> <p>19 Q. This 90 percent number is ultimately</p> <p>20 just the content that gets removed; correct?</p> <p>21 A. That's the content that we believe</p> <p>22 violates our policy. So maybe it's a great point</p> <p>23 of clarification. You can flag anything on</p> <p>24 Facebook. If you say that I'm a big Knicks fan and</p> <p>25 someone says, Well, the Bulls are the best team of</p>
<p style="text-align: right;">55</p> <p>1 AI has removed nine of those pieces of content.</p> <p>2 But that doesn't say how much content has been</p> <p>3 flagged.</p> <p>4 MR. McCARRICK: Objection to form.</p> <p>5 THE WITNESS: It doesn't say that,</p> <p>6 though. That's not what that sentence</p> <p>7 means.</p> <p>8 BY MS. CORBELLO:</p> <p>9 Q. What does that sentence mean?</p> <p>10 A. So the contents that we remove, we</p> <p>11 have a corpus of body of content, let's say 100</p> <p>12 pieces that we may be able to identify proactively</p> <p>13 through our system, 95 percent of the pieces of</p> <p>14 content that we would remove, so say there's 100</p> <p>15 violating pieces of content, we would be able to</p> <p>16 identify proactively 95 percent of those pieces of</p> <p>17 content before a user reports those to us.</p> <p>18 It doesn't say -- I think what you're</p> <p>19 arguing is that the AI is now removing that content</p> <p>20 alone. There's another set of content that is</p> <p>21 violating. Do I understand that correctly?</p> <p>22 Q. I guess my confusion with the</p> <p>23 sentence is that it's talking about total content</p> <p>24 removed, not content that has been flagged and then</p> <p>25 removed. So it's only if only 95 percent of</p>	<p style="text-align: right;">57</p> <p>1 the '90s no, I wouldn't flag that. It doesn't mean</p> <p>2 that it's actually violating our policies, but</p> <p>3 people can flag anything. We see that often.</p> <p>4 Q. Sure. But does Facebook keep track</p> <p>5 of the number of flagged content versus the number</p> <p>6 of content actually removed?</p> <p>7 A. I don't have the latest kind of</p> <p>8 figures on whether we can keep each piece of</p> <p>9 content flagged and how long we would do so.</p> <p>10 Q. Who would have those numbers?</p> <p>11 A. I'm not sure.</p> <p>12 Q. So is it fair for me to read this</p> <p>13 sentence as not telling me how much content is</p> <p>14 flagged by either a user or Facebook?</p> <p>15 A. Well, there's no aggregate number.</p> <p>16 It's just telling you percentage. Our community</p> <p>17 standards enforcement report will tell you that the</p> <p>18 numbers of content, the aggregate number of content</p> <p>19 that we have removed in that area, in using this</p> <p>20 number here you would be able to apply and say, Oh,</p> <p>21 you've moved a thousand pieces of hate speech. Oh,</p> <p>22 you did 90 percent identify it yourself through</p> <p>23 proactivity and through your automated system, so</p> <p>24 that means 900 were removed or identified by</p> <p>25 Facebook and another 100 came in from different</p>



<p>58</p> <p>1 sources.</p> <p>2 Q. So this 90 percent is not being</p> <p>3 applied to amount of content flagged?</p> <p>4 A. We're going back and forth. The way</p> <p>5 that we also talk about it is the AI essentially</p> <p>6 flags content too. So the AI is flagging content.</p> <p>7 It is talking about the amount, but it's always</p> <p>8 about the amount of content that we removed. Just</p> <p>9 because something is flagged doesn't necessarily</p> <p>10 make it violating. Even AI does not always flag</p> <p>11 violating content.</p> <p>12 Q. So this 90 percent is content, but</p> <p>13 it's both been flagged and removed. That fair to</p> <p>14 say?</p> <p>15 A. That is correct, yes.</p> <p>16 Q. Okay. Let's talk about this</p> <p>17 paragraph, just kind of broadly.</p> <p>18 A. Uh-huh.</p> <p>19 Q. It says, Facebook relies on</p> <p>20 automated and human review to enforce its terms and</p> <p>21 policies at scale across its global service.</p> <p>22 Can you explain to me how that works?</p> <p>23 A. That's great, because we were a bit</p> <p>24 discussing this now. Our automation is tremendous</p> <p>25 for helping us work at scale. We have, as I</p>	<p>60</p> <p>1 do that. And then a human reviewer can take on</p> <p>2 additional contents and hopefully we're able to</p> <p>3 apply not just kind of broad context of our</p> <p>4 policies, but context of how things evolve in</p> <p>5 lexicons globally and then apply those rules and</p> <p>6 make sure that we're achieving the right outcome.</p> <p>7 So let's do that number or do that area</p> <p>8 where we use automation and human review. There</p> <p>9 are certain policies that are very just, not just</p> <p>10 hate speech but require a very, very high amount of</p> <p>11 understanding of what's happening. For example, a</p> <p>12 statement about -- that statement that purports to</p> <p>13 be about, Oh, I want to kill all the Cowboys fans.</p> <p>14 Like is that actually real or are there some</p> <p>15 signals that oh, no, this person has signals that</p> <p>16 they have now, you know, gone out, purchased</p> <p>17 weapons, they are tracking towards AT&amp;T Stadium,</p> <p>18 they are doing all these things. So you can get</p> <p>19 two very distinct outcomes.</p> <p>20 So having human reviewers that are able to</p> <p>21 provide context and escalate where appropriate, we</p> <p>22 work with law enforcement on certain occasions,</p> <p>23 that is something that is important to us. So it's</p> <p>24 that combination that makes these things run.</p> <p>25 Q. So how does Facebook become aware of</p>
<p>59</p> <p>1 mentioned earlier, two point X billion people on</p> <p>2 Facebook. They post billions of pieces of content</p> <p>3 daily. To do that we can only scale and enforce</p> <p>4 those policies with the use of automation, but</p> <p>5 automation is informed by human reviewers in many</p> <p>6 cases. So human reviewers may label content to</p> <p>7 train automation, but for certain areas, especially</p> <p>8 I'll give one example, something that's very</p> <p>9 heavily context-dependent like hate speech. The</p> <p>10 automation may not have a significant level of</p> <p>11 confidence to make certain calls.</p> <p>12 So, for example, you may attack me with a</p> <p>13 slur and that would be found to be hate speech</p> <p>14 under our policies. I may use that same slur</p> <p>15 against myself or recount that you attacked me with</p> <p>16 a slur. When I do that, that doesn't violate a</p> <p>17 policy. That's a way that people express if they</p> <p>18 have a point for expression. I may try to reclaim</p> <p>19 the slur, reclaim the slur, and you see that</p> <p>20 through a number of communities.</p> <p>21 So it's with that context where the machine</p> <p>22 learning, the automation can say, Hey, this looks</p> <p>23 like it may be violating, but I'm not actually</p> <p>24 certain that it's violating. I'm going to send it</p> <p>25 to a human reviewer and that we have processes to</p>	<p>61</p> <p>1 certain criteria that needs to be implemented?</p> <p>2 MR. McCARRICK: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: Criteria for the</p> <p>5 policies themselves?</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. No. For the algorithm.</p> <p>8 A. Define "criteria."</p> <p>9 Q. So well, let me put it this way.</p> <p>10 A. Uh-huh.</p> <p>11 Q. What are the different ways in which</p> <p>12 Facebook would become aware that there's a piece of</p> <p>13 content that needs to be screened by either AI or</p> <p>14 human?</p> <p>15 A. For those, those issues, the AI is</p> <p>16 working constantly across all of whatever is posted</p> <p>17 to Facebook. Everything that's posted will</p> <p>18 eventually have a screen by our artificial</p> <p>19 intelligence. So that's kind of the first step</p> <p>20 again.</p> <p>21 There is a way that the automation which we</p> <p>22 call a classifier looks at certain signals that we</p> <p>23 try to understand the potential severity of a</p> <p>24 violation, the potential virality of a post and then</p> <p>25 the likelihood of something actually violating our</p>

<p style="text-align: right;">62</p> <p>1 policies and that would -- we would essentially</p> <p>2 make a decision on whether to continue routing it</p> <p>3 on to a human to further review. Some cases we're</p> <p>4 making an automatic decision or not making a</p> <p>5 decision at all. I shouldn't say not making a</p> <p>6 decision at all, but not routing a review for</p> <p>7 potential violations.</p> <p>8 Q. Well, is one way in which Facebook</p> <p>9 becomes aware of content that needs screening via a</p> <p>10 user creating a ticket or a user reporting it and</p> <p>11 that creating a ticket?</p> <p>12 A. That's accurate. I think we</p> <p>13 mentioned that earlier. Through our own practice,</p> <p>14 but users are able to report content.</p> <p>15 Q. I want to talk about that sort of</p> <p>16 workflow first.</p> <p>17 A. Sure.</p> <p>18 Q. When a ticket gets created as a</p> <p>19 result of a user reporting some sort of content</p> <p>20 issue, what happens to that ticket?</p> <p>21 A. Broadly that ticket is routed to a</p> <p>22 human reviewer. It goes into what they say a</p> <p>23 queue. I shouldn't say directly, that ticket is</p> <p>24 routed into a system where automation will then</p> <p>25 also try to route that ticket to a -- the correct</p>	<p style="text-align: right;">64</p> <p>1 form.</p> <p>2 THE WITNESS: I'm not really</p> <p>3 familiar with the term "user story," so</p> <p>4 I'm struggling here. Automation is the</p> <p>5 step. There's not like a human</p> <p>6 intervention at that point.</p> <p>7 BY MS. CORBELLO:</p> <p>8 Q. Okay. So after the ticket is</p> <p>9 created, it's automation first?</p> <p>10 MR. McCARRICK: Object to form.</p> <p>11 THE WITNESS: When you say</p> <p>12 "created," do you mean someone</p> <p>13 essentially filing a violation within --</p> <p>14 Q. Right. So we're talking about user</p> <p>15 report right now.</p> <p>16 A. Yes.</p> <p>17 Q. So when a user report creates a</p> <p>18 ticketing in the Facebook system, it gets an</p> <p>19 automated treatment first?</p> <p>20 A. Automation is one of the ways that</p> <p>21 we route through. So yes, that automation occurs.</p> <p>22 You file the ticketing, the automation occurs. So</p> <p>23 there's not a human that's on the other side</p> <p>24 directly receiving Neil Potts' complaint. So if I</p> <p>25 hit the button, it's not like a person, you know,</p>
<p style="text-align: right;">63</p> <p>1 human reviewer.</p> <p>2 So, for example, I may be very experienced</p> <p>3 on UV. I can tell you everything about UV, with</p> <p>4 violence or policies that don't violate our</p> <p>5 policies. I may be less experienced on something</p> <p>6 like privacy. And so instead of giving me the</p> <p>7 ticket that focuses specifically on privacy, it</p> <p>8 maybe either is a better, you know, subset of</p> <p>9 individuals that can apply the policies on privacy</p> <p>10 with more accuracy than I can.</p> <p>11 The idea would be our systems would then do</p> <p>12 a first-line review of that and also give it to</p> <p>13 what we call queues but route it to the human</p> <p>14 reviewers who can then review that content.</p> <p>15 Q. So is the user story automatically</p> <p>16 increased as a result of a ticket, or is it created</p> <p>17 by a human?</p> <p>18 A. Define "user story."</p> <p>19 Q. So when a ticket is created,</p> <p>20 typically what happens is either a user story is</p> <p>21 created that has the data for that ticket or a</p> <p>22 human -- like manual intervention happens and it's</p> <p>23 created by a human, and that's how it gets routed</p> <p>24 to somewhere else to deal with content issues.</p> <p>25 MR. McCARRICK: Object to the</p>	<p style="text-align: right;">65</p> <p>1 hit the button if that makes sense.</p> <p>2 Q. Yes, it does. So that automation</p> <p>3 happens for every piece of user report that comes</p> <p>4 through, every ticket that is created based on the</p> <p>5 user report?</p> <p>6 A. I believe so. I don't want to</p> <p>7 speculate in case there's something that I don't</p> <p>8 know of, but I believe so.</p> <p>9 Q. If Facebook becomes aware of an</p> <p>10 algorithm lacking some sort of ability to determine</p> <p>11 content that needs to be removed, let's say the</p> <p>12 hate speech example, for example, maybe there's a</p> <p>13 new slur that has to be added to the algorithm</p> <p>14 because it hasn't been previously, how does that</p> <p>15 work?</p> <p>16 A. The way that we update our policies</p> <p>17 very routinely, almost every two weeks we do kind</p> <p>18 of constant revision of our policies which then</p> <p>19 would inform the algorithm.</p> <p>20 There are also a number of protocols and we</p> <p>21 have teams now ranging -- I think in the</p> <p>22 declaration the number has increased from 35,000 to</p> <p>23 40,000 people working on safety and security. So</p> <p>24 there are teams within that, within those 40,000</p> <p>25 people that focus on our operations or processes or</p>

<p>66</p> <p>1 protocols.</p> <p>2 So when there's something like a new slur,</p> <p>3 a new terrorist organization, a new type of abuse</p> <p>4 that we've become aware of, we will then update</p> <p>5 those policies in many cases. And sometimes if the</p> <p>6 policy does not get updated, at least updating the</p> <p>7 protocols on how we enforce those policies and then</p> <p>8 those feed into how the algorithms are going to be</p> <p>9 trained on that.</p> <p>10 So, for example, this bottle of water, a</p> <p>11 bottle of water may not be violating today for</p> <p>12 whatever reason it violates. We would rate that,</p> <p>13 people would begin to label that, feed it into the</p> <p>14 machine learning so the machine would recognize the</p> <p>15 bottle of water that actually violates whatever</p> <p>16 policy a bottle of water would violate.</p> <p>17 Q. So you have programmers that</p> <p>18 essentially write the source code to add a criteria</p> <p>19 to the algorithm. Did I get that right?</p> <p>20 A. We have engineers who build out the</p> <p>21 machine learning. I don't want to get over my</p> <p>22 skis. A lot of this is done through labeling of --</p> <p>23 labeling by humans of what violates and what does</p> <p>24 not violate.</p> <p>25 Q. Is there anything that's not done by</p>	<p>68</p> <p>1 the Integrity team?</p> <p>2 A. Guy Rosen.</p> <p>3 Q. And so we just talked about the way</p> <p>4 a user would report a ticket. So let's talk about</p> <p>5 the internal way a ticket might be created. The</p> <p>6 integrity team you just talked about, is that who</p> <p>7 is supplementing new criteria that comes out</p> <p>8 through revision of your policies?</p> <p>9 A. Broadly, yes. In conjunction, it's</p> <p>10 cross-functional, so with the teams that write the</p> <p>11 policies, with the operations teams who are human</p> <p>12 moderators, with the integrity team themselves, but</p> <p>13 they are also different.</p> <p>14 So the way we think of Facebook is that</p> <p>15 every surface on Facebook, your news feed, your</p> <p>16 groups, your advertising, there's different</p> <p>17 products, but those product teams are also I guess</p> <p>18 consumers or recipients of those changes so that</p> <p>19 they sometimes will not make decisions on, but</p> <p>20 because they are receiving the value of it, they</p> <p>21 have to know how it impacts their products.</p> <p>22 Q. What happens to -- what happens</p> <p>23 after a piece of user-generated content gets</p> <p>24 flagged as unsafe?</p> <p>25 A. I don't think we flag anything</p>
<p>67</p> <p>1 humans as to what violates or does not violate?</p> <p>2 A. Anything not done by humans?</p> <p>3 Q. Well, you said a lot of it is done</p> <p>4 by humans to determine what violates and what does</p> <p>5 not violate. I'm hearing those words a lot. I was</p> <p>6 just wondering if there was an alternative on that.</p> <p>7 A. It's probably a weak crutch that I</p> <p>8 use. I don't know. I'm baffling myself. I can't</p> <p>9 figure out how humans would not be involved in the</p> <p>10 process.</p> <p>11 Q. Do you know if any of Facebook's</p> <p>12 algorithms are trained to add their own criteria?</p> <p>13 MR. DISHER: Objection to form.</p> <p>14 THE WITNESS: I do not.</p> <p>15 BY MS. CORBELLO:</p> <p>16 Q. Is it -- I don't know how to ask</p> <p>17 this. Is it a division of programmers that work on</p> <p>18 algorithms and updating the algorithms to be able</p> <p>19 to catch content?</p> <p>20 A. By "division" do you mean team?</p> <p>21 Q. Yes.</p> <p>22 A. Yes.</p> <p>23 Q. What's the team's name?</p> <p>24 A. Broadly it's the Integrity team.</p> <p>25 Q. Integrity team. Who is the head of</p>	<p>69</p> <p>1 unsafe. It's the wrong term.</p> <p>2 Q. What's the right term?</p> <p>3 A. Our classifiers give it a -- well, I</p> <p>4 guess maybe the question for you is do you mean</p> <p>5 something that violates or --</p> <p>6 Q. Yes.</p> <p>7 A. Okay. For a certain, certain small</p> <p>8 number of the violations, including certain types</p> <p>9 of nudity, terrorist -- known terrorist propaganda,</p> <p>10 child exploitative images that are known things in</p> <p>11 our database, the automation may make a decision</p> <p>12 and actually move the content and essentially I</p> <p>13 think as you were referring to kind of close that</p> <p>14 ticket.</p> <p>15 Certain cases we have reporting obligations</p> <p>16 out to legal entities around for child exploitative</p> <p>17 images. For example, we would work with the</p> <p>18 federal government on reporting of those instances</p> <p>19 as well.</p> <p>20 For the vast majority, though, of other</p> <p>21 violations what happens is that the automation</p> <p>22 gives it essentially a score. It has a score of</p> <p>23 confidence that would say okay, based off of what</p> <p>24 you have inputted, you have inputted this as to be</p> <p>25 violating. Here is the policy, here are the known</p>

<p style="text-align: right;">70</p> <p>1 examples. This seems maybe 90 percent of the time</p> <p>2 that this would be violating. On certain levels of</p> <p>3 scores we have almost, you know, supreme levels of</p> <p>4 confidence, 99 percent, the algorithm or the</p> <p>5 automation may make the decision itself. Lower, we</p> <p>6 will route that to a user. If it's below a certain</p> <p>7 number, like 10 percent, you post, Hello, there</p> <p>8 seems to be no violations at 1 percent, we don't</p> <p>9 think this violates. We wouldn't route it to the</p> <p>10 user. We would say that this wouldn't violate.</p> <p>11 Q. When you say "route it to a user" --</p> <p>12 A. Excuse me. Route it to a -- I said</p> <p>13 user, that's incorrect. I meant to a moderator.</p> <p>14 Q. I'm very confused.</p> <p>15 A. I did not mean to do it. I confuse</p> <p>16 myself sometimes.</p> <p>17 Q. We didn't go over the initial rules</p> <p>18 of a depo mostly because I know you're a lawyer.</p> <p>19 But if you do need a break for any reason, just let</p> <p>20 me know.</p> <p>21 A. I'm good.</p> <p>22 Q. Do you know the number of tickets</p> <p>23 that come in either user based or internal that are</p> <p>24 closed without action?</p> <p>25 A. I don't have those numbers.</p>	<p style="text-align: right;">72</p> <p>1 would likely be someone with oversight of, but not</p> <p>2 my team.</p> <p>3 Q. Let's go to paragraph 15. Let me</p> <p>4 know when you're ready.</p> <p>5 A. One second, please.</p> <p>6 Q. Yes.</p> <p>7 A. Yes.</p> <p>8 Q. So the sentence or the paragraph</p> <p>9 starts out where "Facebook regularly publishes</p> <p>10 updates about its efforts to remove harmful content</p> <p>11 and protect its community."</p> <p>12 Who in Facebook does this?</p> <p>13 A. Excuse me. Generally subject matter</p> <p>14 experts. So it may include the head of content</p> <p>15 policy. It may include members of my team if they</p> <p>16 have special expertise on counterterrorism, on</p> <p>17 safety. In certain cases it may be teams that work</p> <p>18 cross-functionally from Integrity or others.</p> <p>19 Not to use the term "single thread owners,"</p> <p>20 but people who are tasked with resolving these</p> <p>21 issues on our platform are generally people who</p> <p>22 also publish.</p> <p>23 Q. So who is doing the actual</p> <p>24 publishing of updates?</p> <p>25 A. Posting of the updates, do you mean</p>
<p style="text-align: right;">71</p> <p>1 Community standards enforcement report may. I just</p> <p>2 don't have them offhand.</p> <p>3 Q. Who would have those numbers?</p> <p>4 A. Again, that enforcement, that</p> <p>5 transparency report, they may have those numbers,</p> <p>6 and then we would be able to compare them.</p> <p>7 Q. And if they don't?</p> <p>8 A. It would broadly fall on a team of</p> <p>9 data scientists. I am not sure. I would have to</p> <p>10 find out, but I don't know.</p> <p>11 Q. Same thing for -- do you know the</p> <p>12 percentage of tickets, user internal, that come in</p> <p>13 that are closed without action?</p> <p>14 A. I don't have those numbers.</p> <p>15 Q. Do you know the percentage of issues</p> <p>16 in the backlog related to content moderation</p> <p>17 currently?</p> <p>18 MR. DISHER: Objection. Form.</p> <p>19 THE WITNESS: Currently I do not.</p> <p>20 BY MS. CORBELLO:</p> <p>21 Q. Who would know that?</p> <p>22 A. A number of teams. Again, within</p> <p>23 the group that I explained earlier, operational,</p> <p>24 global operations team, our integrity teams, our</p> <p>25 policy teams, that cross-functional team, there</p>	<p style="text-align: right;">73</p> <p>1 updating of the community standards?</p> <p>2 Q. Right.</p> <p>3 A. The teams that I work with on the</p> <p>4 content policy teams?</p> <p>5 Q. Well, I'm sorry. Updating the</p> <p>6 efforts to remove harmful content and protect its</p> <p>7 communities. Who is publishing these updates for</p> <p>8 Facebook?</p> <p>9 A. The broad -- the broad news room</p> <p>10 posts, those are the people. The authors who may</p> <p>11 be subject matter experts that own either the</p> <p>12 community standards, who own the particular</p> <p>13 subjects within community standards, again,</p> <p>14 counterterrorism, human rights, those types of</p> <p>15 things.</p> <p>16 If they are specifically about automation,</p> <p>17 if they are specifically about a product, it may be</p> <p>18 the product owners. So when I say "product</p> <p>19 owners," the person in charge of that organization</p> <p>20 that is tasked with owning that product. So you</p> <p>21 mentioned integrity, Guy Rosen as an example.</p> <p>22 Q. So is the group that actually</p> <p>23 publishes updates different than the group that</p> <p>24 gathers the data that would be considered an</p> <p>25 update?</p>

<p>74</p> <p>1 MR. DISHER: Object to the form.</p> <p>2 THE WITNESS: It's hard to kind of</p> <p>3 like bifurcate or separate out this,</p> <p>4 because we worked so cross-functionally.</p> <p>5 It's not as if one person would publish</p> <p>6 something. There wouldn't be</p> <p>7 cross-functional collaboration and</p> <p>8 communication with the teams. Through</p> <p>9 policy, through integrity, through</p> <p>10 operations, through the products</p> <p>11 themselves, so it's a little hard for me</p> <p>12 to make that.</p> <p>13 There's just, you know, it happens</p> <p>14 to be one person who is -- this falls</p> <p>15 most likely in the portfolio. So, for</p> <p>16 example, if it's an issue about safety</p> <p>17 and perhaps suicide and self-injury,</p> <p>18 safety for a young woman on the platform,</p> <p>19 one of my team members would post about</p> <p>20 that, would generally post about that.</p> <p>21 If it is about how the automated</p> <p>22 services worked, Guy Rosen likely would,</p> <p>23 but not always, but likely would post</p> <p>24 about that. So it's kind of hard to</p> <p>25 separate out, this person would only post</p>	<p>76</p> <p>1 it or we didn't.</p> <p>2 Q. Did the team ever provide specific</p> <p>3 numbers as to number of pieces of content that have</p> <p>4 been removed under a certain category?</p> <p>5 A. In certain cases, yes, we do.</p> <p>6 Q. How do you value those numbers?</p> <p>7 A. We work again in that</p> <p>8 cross-functional nature with our operations team,</p> <p>9 our data scientists, our integrity teams and others</p> <p>10 about whether those are removals or any action to</p> <p>11 be taken on this content.</p> <p>12 Q. So which of those teams is giving</p> <p>13 you the numbers?</p> <p>14 A. Broadly it's data science, but</p> <p>15 that's not always -- it's not always. Broadly yes,</p> <p>16 but not always.</p> <p>17 Q. Do you know how data science</p> <p>18 compiles those numbers?</p> <p>19 A. I'm not a data scientist.</p> <p>20 Q. Do you know if they count them out</p> <p>21 one by one?</p> <p>22 A. I'm not a data scientist. I don't</p> <p>23 think it's that easy, but I'm not a data scientist.</p> <p>24 Q. Do you know if they utilize any</p> <p>25 algorithms to determine the amount of content</p>
<p>75</p> <p>1 about that and you wouldn't be aware of</p> <p>2 it.</p> <p>3 BY MS. CORBELLO:</p> <p>4 Q. Okay. So there's not one person</p> <p>5 that everyone is just reporting their efforts to</p> <p>6 remove harmful content to, and that person is</p> <p>7 taking care of updating the community as you</p> <p>8 describe in this sentence?</p> <p>9 A. No. No.</p> <p>10 Q. You said your team provides some of</p> <p>11 these updates.</p> <p>12 A. We do.</p> <p>13 Q. How does it do that?</p> <p>14 A. When we see specific threats on our</p> <p>15 platform, we have either changed policies or we</p> <p>16 have responses, responses to specific issues. And</p> <p>17 we feel that the community would value or would</p> <p>18 be -- it would be valuable for our community to</p> <p>19 understand how we are treating issues.</p> <p>20 So whether those are -- the coup in</p> <p>21 Myanmar, for example, whether it is suicide and</p> <p>22 self-injury, whether it was a foreign interference</p> <p>23 operation being run on Facebook to influence an</p> <p>24 election, we may take those times to report what we</p> <p>25 know and how we are going about either to resolve</p>	<p>77</p> <p>1 removed under a certain category?</p> <p>2 A. I do not know.</p> <p>3 Q. Do you know what it costs the data</p> <p>4 scientists to provide you information such as</p> <p>5 number of pieces of content removed?</p> <p>6 MR. DISHER: Objection to form.</p> <p>7 THE WITNESS: I don't have line</p> <p>8 items on kind of cost or investment in</p> <p>9 that nature. I do know that we spent</p> <p>10 \$13 billion since 2016 on safety and</p> <p>11 security, and that's one part of that</p> <p>12 13 billion, but I don't have like a line</p> <p>13 item breakdown.</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. Hypothetically let's say you were to</p> <p>16 call the data scientist -- is there a division name</p> <p>17 for it, or is it just data scientists?</p> <p>18 A. For these purposes data scientists.</p> <p>19 Q. Hypothetically if you were to call</p> <p>20 the data scientists today and ask them for a</p> <p>21 specific number that they would generally be able</p> <p>22 to give you, you know, amount of content X removed</p> <p>23 in the past month, how quickly do you think they</p> <p>24 would get you that information?</p> <p>25 MR. McCARRICK: Object to the</p>

<p style="text-align: right;">78</p> <p>1 form.</p> <p>2 THE WITNESS: It is extremely</p> <p>3 difficult to get any numbers with</p> <p>4 fidelity from our data scientists. We</p> <p>5 want data to be accurate in the numbers</p> <p>6 we present outward. We do release</p> <p>7 transparency reports now where I can say</p> <p>8 anecdotally I can't prove it, but they</p> <p>9 tell me and I take their word to be true,</p> <p>10 that they begin the next quarter's report</p> <p>11 the day after a quarter posts.</p> <p>12 So if they were to post something</p> <p>13 today, they would begin crunching the</p> <p>14 numbers for the next quarter report</p> <p>15 tomorrow.</p> <p>16 BY MS. CORBELLO:</p> <p>17 Q. So the next transparency report,</p> <p>18 they are created by data scientists?</p> <p>19 A. Again, it's a combination of the</p> <p>20 teams, policy teams, integrity teams, your</p> <p>21 operations team. They do feed information in in</p> <p>22 that process.</p> <p>23 Q. And those transparency received are</p> <p>24 done quarterly?</p> <p>25 A. They are.</p>	<p style="text-align: right;">80</p> <p>1 specific numbers. We try to be robust in</p> <p>2 our updates and swift, but I don't have</p> <p>3 specific numbers on how fast we can</p> <p>4 actually turn around a specific kind of</p> <p>5 subset of content or things like that.</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. Who would better be able to answer</p> <p>8 that question?</p> <p>9 A. It would be a combination of our</p> <p>10 integrity and our operations. I think that the way</p> <p>11 that -- the frame of the question is that the data</p> <p>12 scientists we're referring to, they write the</p> <p>13 transparency report, they write on broad categories</p> <p>14 of reports, not necessarily on specifics.</p> <p>15 To get, as you can imagine, get specific</p> <p>16 fidelity on very granular topics requires perhaps</p> <p>17 even more attention to deconflict. For example, we</p> <p>18 may have removed for, that's a violation of our</p> <p>19 hate speech policies. When in fact while that is</p> <p>20 true, it may not tell you information about which</p> <p>21 hate speech policy is violated.</p> <p>22 And so I think what you asked for what</p> <p>23 exactly changed, what slur was used here, and that</p> <p>24 creates a level of just detail that we don't report</p> <p>25 on today because the burden would be extremely,</p>
<p style="text-align: right;">79</p> <p>1 Q. Are they done at any given time</p> <p>2 other than quarterly?</p> <p>3 A. Not to my knowledge. I have never</p> <p>4 seen one.</p> <p>5 Q. Are they done for any external</p> <p>6 partners or members of the public?</p> <p>7 MR. DISHER: Objection to form.</p> <p>8 THE WITNESS: We are very</p> <p>9 transparent. You can find those that are</p> <p>10 transparent.</p> <p>11 BY MS. CORBELLO:</p> <p>12 Q. Can they be requested by someone</p> <p>13 from the public other than on a quarterly basis?</p> <p>14 A. I'm sure you can request them, but</p> <p>15 would we provide them? I don't think we would.</p> <p>16 Yes, we publish those quarterly.</p> <p>17 Q. Going back to what we were talking</p> <p>18 about a second ago, new content criteria that comes</p> <p>19 up, maybe a new racial slur, a new terrorist group,</p> <p>20 do you have any knowledge as to how quickly the</p> <p>21 data scientists would be able to gather numbers on</p> <p>22 new criteria that has been flagged and removed?</p> <p>23 MR. McCARRICK: Object to the</p> <p>24 form.</p> <p>25 THE WITNESS: I do not have</p>	<p style="text-align: right;">81</p> <p>1 extremely high.</p> <p>2 Q. Is there someone who is the head of</p> <p>3 the data scientists?</p> <p>4 A. There's someone, there are people</p> <p>5 that I know. I don't know who actually owns the,</p> <p>6 as you mentioned division, I don't know who owns</p> <p>7 the organization. It's slipping my mind. I just</p> <p>8 don't have the org chart in front of me.</p> <p>9 Q. Go down to paragraph 16 for me.</p> <p>10 A. Sure.</p> <p>11 Q. Are you ready?</p> <p>12 A. 16, yes.</p> <p>13 Q. Yes. So this paragraph is talking</p> <p>14 about changes to policies in response to</p> <p>15 extraordinary situations. Right?</p> <p>16 A. That is correct.</p> <p>17 Q. How quickly did those changes</p> <p>18 happen?</p> <p>19 MR. McCARRICK: Object to the</p> <p>20 form.</p> <p>21 THE WITNESS: Are you referring to</p> <p>22 the specific situation that's flagged in</p> <p>23 Paragraph 16?</p> <p>24 BY MS. CORBELLO:</p> <p>25 Q. Yes. So let's start with the</p>



<p>82</p> <p>1 Myanmar. How quickly did the changes to policies 2 and practices happen in response to that situation? 3 A. I think on the Myanmar military coup 4 that happened in February 2020, they were not 5 instantaneous, but they were very soon after the 6 coup was executed. I don't have the exact 7 day-to-day, but it's something that we were aware 8 of and began to plan for. 9 Q. Go to tab 16 for me. 10 A. Sure. 11 Q. The Bates stamp will start at 12 Facebook 46. 13 A. Facebook 6? 14 Q. 46. 15 A. 46. May I have a second just to 16 review. 17 Q. Take a second to look it over. Let 18 me know. It looks like it ends around Facebook 52. 19 A. Uh-huh. Is there anything specific 20 you would like me to focus on? 21 Q. Just skim it so you're familiar with 22 it. 23 A. (Witness complies with request.) 24 Yes. 25 Q. Okay. So this is an article that</p>	<p>84</p> <p>1 A. That's correct. 2 Q. This update by Facebook on Exhibit B 3 was published February 11, 2021; right? 4 A. Thereabouts; correct. 5 MR. McCARRICK: Object to the 6 form. 7 Q. Fair to say Facebook acted pretty 8 quickly after the Myanmar situation? 9 A. I don't know your definition of 10 "quickly," but we acted -- we tried to act 11 immediately. 12 Q. It looks like in response to the 13 Myanmar incident Facebook implemented specific 14 policies and updated their content moderation 15 policies as well; correct? 16 A. Specific treatment and policies for 17 the Tatmadaw, the military wing of the Burmese 18 government we did, yes. 19 Q. How did these updates take place? 20 Describe to me kind of the workflow between the 21 incident in Myanmar happened and now Facebook has 22 algorithms that address that issue. 23 A. Sure. We began to see -- well, 24 taking a step back, as you mentioned we have 25 algorithms in place that moderate content, and some</p>
<p>83</p> <p>1 you relied on in making your declaration; correct? 2 A. That is correct. 3 Q. And did you rely on this article in 4 making the statements made in paragraph 16? 5 A. Yes, I did, but can I go back to the 6 declaration to confirm? 7 Q. Yes. 8 MR. McCARRICK: Why don't you 9 leave that open and you can use this. 10 Q. Feel free -- 11 MR. McCARRICK: Paragraph 16. 12 THE WITNESS: Thank you. Yes. 13 Both this declaration and kind of 14 knowledge or -- excuse me, both this 15 public-facing blog post as well as 16 knowledge of the event. 17 MS. CORBELLO: I'm going to label 18 Facebook Bates stamp 46 to -52 as Defense 19 Exhibit B. 20 (Exhibit B, Blog post, was 21 marked for identification.) 22 BY MS. CORBELLO: 23 Q. Your declaration at paragraph 16 24 says that the military coup happened in 2021; is 25 that right?</p>	<p>85</p> <p>1 of those algorithms are focused on dangerous 2 organizations and individuals and also an area of 3 our abuse standards called coordinating harm. 4 So they have through all the different 5 types of abuse standards -- coordinating harm 6 becomes apparent here in a second. We received a 7 lot of signal, as I mentioned, through external 8 engagement about events that are happening on the 9 ground and including from people, whether those are 10 journalists, civil society academics within Myanmar 11 and external Myanmar watching the events of 12 Myanmar. So we had some indications that there was 13 the potential for some type of military action to 14 occur in Myanmar. 15 The events of the coups happened on the 16 1st. At that point we convened a cross-functional 17 group, accept them as what we call that, to examine 18 what we know, the way that the content is appearing 19 on our platform, what we are hearing from bodies 20 outside of the government about how the platform 21 may be used to exploit -- excuse me, outside of 22 Facebook on ways that the platform may be used to 23 exploit the situation in favor of the now 24 military-led government. We take all of that and 25 working with our subject matter experts.</p>



<p style="text-align: right;">86</p> <p>1 We then derive the policies that we think</p> <p>2 are appropriate for that time to ensure safety in</p> <p>3 the broader base of users. At that point we</p> <p>4 designated them under our coordinating harm</p> <p>5 policies, preventing those that were in contact --</p> <p>6 coordinating harm is our broad way of coordinating</p> <p>7 a criminal activity and the potential for future</p> <p>8 harm. Knowing the Tatmadaw's previous actions in</p> <p>9 Myanmar dating back to 2017 and through 2018 and</p> <p>10 the genocide of the Rohingya, knowing that we have</p> <p>11 basis for the reporting on those things.</p> <p>12 Fast forward to now '21, February. We make</p> <p>13 the policies that say okay, for the Tatmadaws</p> <p>14 themselves we are going to prevent them from using</p> <p>15 our platform. We are also going to prevent the</p> <p>16 craze of violent activity carried out on behalf of</p> <p>17 the Tatmadaw. Just sort of continual updates to</p> <p>18 those.</p> <p>19 Taking the policies now, so we have -- now</p> <p>20 we have the policies, we then feed that into our</p> <p>21 group of human content moderators who are, in many</p> <p>22 ways act, sometimes in these situations act as the</p> <p>23 first line of defense. They are connected, they</p> <p>24 have people who we call market teams that focus on</p> <p>25 Myanmar specifically looking for that content,</p>	<p style="text-align: right;">88</p> <p>1 took -- we do a very iterative process. As I</p> <p>2 mentioned earlier, we update our policies every two</p> <p>3 weeks. One of our kind of core traits or core</p> <p>4 principles to our policies is in many ways they are</p> <p>5 living and breathing as we try to meet the needs of</p> <p>6 the community as those needs develop.</p> <p>7 In a situation like Myanmar, you can see</p> <p>8 where our first attempts to kind of address that</p> <p>9 may have fallen short in some ways, and so we</p> <p>10 continually update, address, receive additional</p> <p>11 feedback; explore the signals that we see on our</p> <p>12 platform; explore what we are removing, what we are</p> <p>13 not removing and those are in some ways double</p> <p>14 edged because there's content to be made, capture</p> <p>15 and remove that you don't want to remove. Content</p> <p>16 that you really do want to remove that you're not</p> <p>17 finding.</p> <p>18 The team makes those updates to ensure that</p> <p>19 the products of that, as I think you see here, it's</p> <p>20 over a month-long kind of continual updates on</p> <p>21 okay, this type of enforcement we want to allow, we</p> <p>22 see people utilizing the platform.</p> <p>23 Example here, perhaps, the Tatmadaw, we are</p> <p>24 in a pandemic, the world is in a pandemic. There</p> <p>25 may be entities within the Burmese government that</p>
<p style="text-align: right;">87</p> <p>1 receiving those reports -- getting routed but</p> <p>2 receiving those reports and having the first review</p> <p>3 for those things.</p> <p>4 Simultaneously, that is fed into labeling,</p> <p>5 is also fed into the algorithms to ensure that we</p> <p>6 are doing as comprehensive as holistic of approach</p> <p>7 that we can meet the potential, potential scale of</p> <p>8 these activities.</p> <p>9 I think I got everything there. Hopefully</p> <p>10 I answered.</p> <p>11 Q. That was helpful.</p> <p>12 Were you involved in these updates that had</p> <p>13 to take place on Myanmar?</p> <p>14 A. When you say "updates," just for</p> <p>15 clarity, writing these posts for the actual</p> <p>16 decisions made to actually do the work?</p> <p>17 Q. Any part of it?</p> <p>18 A. I was on the latter. So maybe</p> <p>19 helping make the decisions for the policies that we</p> <p>20 would go through in enforcing. I did not pen any</p> <p>21 of these updates.</p> <p>22 Q. How long did it take to come up with</p> <p>23 the new policies to respond to the Myanmar</p> <p>24 situation?</p> <p>25 A. I think as you can see here, it</p>	<p style="text-align: right;">89</p> <p>1 are carrying out COVID response that are exclusive</p> <p>2 to the coup but they're not -- now they fall under</p> <p>3 the reign of the government, so technically they</p> <p>4 are the government.</p> <p>5 We would allow in certain situations praise</p> <p>6 of someone carrying out, Oh, you know, I received</p> <p>7 my COVID shot, thank you for the health</p> <p>8 administrator that gave it to me. Whereas if we</p> <p>9 had a very blunt rule and say well, that's actually</p> <p>10 praising the government that's taking care of this</p> <p>11 coup, we wouldn't allow that. So we want to make</p> <p>12 sure that we have those nuances right.</p> <p>13 So those things we get signal impact to</p> <p>14 ensure that we are enforcing the things that we</p> <p>15 don't want but also allowing things that we think</p> <p>16 the community would want to share for its emergent</p> <p>17 purposes.</p> <p>18 Q. You can turn back to the declaration</p> <p>19 if you want to.</p> <p>20 A. Sure.</p> <p>21 Q. Go back to 15 that we just talked</p> <p>22 about briefly, paragraph 15.</p> <p>23 A. One second.</p> <p>24 Q. Sure.</p> <p>25 A. Thank you. (Witness complies with</p>

<p>90</p> <p>1 request.)</p> <p>2 Yes.</p> <p>3 Q. I just want to talk about each one</p> <p>4 of these examples that you provide in this</p> <p>5 paragraph, starting with September 2018 article</p> <p>6 about artificial intelligence helping suicide</p> <p>7 prevention efforts.</p> <p>8 A. Sure.</p> <p>9 Q. So based on that it sounds like, it</p> <p>10 was primarily algorithms that were sorting out any</p> <p>11 sort of potential threats of suicide?</p> <p>12 MR. DISHER: Object to the form.</p> <p>13 THE WITNESS: I may object to the</p> <p>14 word "primarily." I don't have the</p> <p>15 document in front of me. We use a</p> <p>16 combination of both human and algorithm,</p> <p>17 but algorithms definitely play a part in</p> <p>18 identifying the content and the signals</p> <p>19 that people are using to indicate that</p> <p>20 they may be engaging in self-harm.</p> <p>21 BY MS. CORBELLO:</p> <p>22 Q. So what or who was the first line of</p> <p>23 defense when it came to the suicide prevention</p> <p>24 efforts? Was it AI or was it human?</p> <p>25 MR. DISHER: Object to the form.</p>	<p>92</p> <p>1 in combination with AI and human review</p> <p>2 to better monitor. So it is a</p> <p>3 combination.</p> <p>4 BY MS. CORBELLO:</p> <p>5 Q. Does Facebook retain data on the</p> <p>6 users that it flags as potentially suicidal?</p> <p>7 A. I don't have specific information on</p> <p>8 that outside of just our normal data retention,</p> <p>9 which I don't know.</p> <p>10 Q. Are you aware of criticism from</p> <p>11 experts regarding Facebook's retention of people's</p> <p>12 mental health as a result of these suicide</p> <p>13 prevention efforts?</p> <p>14 MR. McCARRICK: Object to the</p> <p>15 form.</p> <p>16 THE WITNESS: Repeat the question.</p> <p>17 I think I --</p> <p>18 BY MS. CORBELLO:</p> <p>19 Q. Sure. Are you aware of experts'</p> <p>20 criticisms of the suicide prevention effort program</p> <p>21 given that it retains data of people's mental</p> <p>22 health diagnoses?</p> <p>23 MR. McCARRICK: Same objection.</p> <p>24 Same objection.</p> <p>25 THE WITNESS: I'm not aware.</p>
<p>91</p> <p>1 THE WITNESS: It can be both. Our</p> <p>2 defense -- and so we do rely on human</p> <p>3 reports of third-party, you know, person,</p> <p>4 user, reporting content to us that may</p> <p>5 give a signal.</p> <p>6 As you can imagine, understanding</p> <p>7 of someone who is potentially going to</p> <p>8 commit suicide is very difficult. But we</p> <p>9 also use automation in AI where there are</p> <p>10 known signals, and that may be the way</p> <p>11 that they, you know, they post,</p> <p>12 essentially, you know, they are very</p> <p>13 explicitly saying that they want to kill</p> <p>14 themselves.</p> <p>15 But even in context around the use</p> <p>16 of live video, for example, there are</p> <p>17 also signals that we can find.</p> <p>18 Unfortunately graphic, but sounds of</p> <p>19 gunshots, the visuals of like uses and</p> <p>20 things of these natures are sometimes</p> <p>21 used to inform automated sometimes.</p> <p>22 Whether it's the text or whether there</p> <p>23 are images, those images could be still</p> <p>24 or moving. Those are some ways the AI</p> <p>25 fills in. We also use the user reporting</p>	<p>93</p> <p>1 BY MS. CORBELLO:</p> <p>2 Q. Are you aware of criticisms against</p> <p>3 Facebook that it actually increases suicidal</p> <p>4 tendencies in teenagers?</p> <p>5 MR. McCARRICK: Object to the</p> <p>6 form.</p> <p>7 THE WITNESS: I'm not aware.</p> <p>8 BY MS. CORBELLO:</p> <p>9 Q. The October 2019 article regarding</p> <p>10 the substantial efforts --</p> <p>11 MR. McCARRICK: Before you move</p> <p>12 on, can we take a break at some point?</p> <p>13 MS. CORBELLO: Can I finish? I'll</p> <p>14 finish the list of articles and we'll do</p> <p>15 it.</p> <p>16 MR. McCARRICK: Okay.</p> <p>17 BY MS. CORBELLO:</p> <p>18 Q. 2019 October, substantial efforts it</p> <p>19 had undertaken to protect against interfering with</p> <p>20 the 2020 election.</p> <p>21 Do you see that?</p> <p>22 A. I do see that.</p> <p>23 Q. Are you aware of any articles that,</p> <p>24 from the media or any criticisms from users that</p> <p>25 Facebook actually contributed to misinformation</p>

<p style="text-align: right;">94</p> <p>1 being spread during the 2020 U.S. election?</p> <p>2 MR. DISHER: Objection to form.</p> <p>3 THE WITNESS: I have heard</p> <p>4 allegations via media reporting through</p> <p>5 various groups that did not like our</p> <p>6 policies that we contributed to</p> <p>7 misinformation.</p> <p>8 BY MS. CORBELLO:</p> <p>9 Q. And do you disagree with those</p> <p>10 reports?</p> <p>11 A. Yes.</p> <p>12 Q. June 2020, Facebook published an</p> <p>13 article related to labels that would add to content</p> <p>14 and ads from entities believed to be</p> <p>15 state-controlled media. Are those labels that</p> <p>16 Facebook ads added uniformly across all</p> <p>17 state-controlled media?</p> <p>18 MR. DISHER: Objection to form.</p> <p>19 THE WITNESS: For media that</p> <p>20 reaches our state-controlled media</p> <p>21 definition, the intent is, as you can</p> <p>22 imagine where media changes and then we</p> <p>23 have tests and framework that we</p> <p>24 evaluate, there may be a media</p> <p>25 organization now from a specific state</p>	<p style="text-align: right;">96</p> <p>1 operations aimed at manipulating or corrupting</p> <p>2 public debate, what do you mean by that?</p> <p>3 A. Sure. As we reflect back on events</p> <p>4 in the past including the 2016 election, but much</p> <p>5 broader than the 2016 election, we've seen specific</p> <p>6 government actors, specific private actors take to</p> <p>7 social media broadly to try to influence the debate</p> <p>8 on sovereigns in their elections.</p> <p>9 That could be used through a number of fake</p> <p>10 accounts with content that is meant to be salacious</p> <p>11 or to incite violence or incite dissent and to</p> <p>12 really have people oppose each other, usually in an</p> <p>13 inauthentic way. And that is what, as we think of</p> <p>14 those influence operations is something that we are</p> <p>15 very proud in place now is our, what we call our</p> <p>16 coordinated inauthentic behavior policies where we</p> <p>17 remove these networks of actors.</p> <p>18 So whether you are -- were agnostic with --</p> <p>19 I don't know what your politics are, but if you</p> <p>20 were a foreign operative using inauthentic accounts</p> <p>21 to influence another sovereign's election, we take</p> <p>22 action.</p> <p>23 Further, in addition to that we put in</p> <p>24 other measures in place to ensure that we have</p> <p>25 better transparency about who is doing what in the</p>
<p style="text-align: right;">95</p> <p>1 that doesn't have a label today. But the</p> <p>2 intention is it's a very generic label,</p> <p>3 but I think it can speak to this moment</p> <p>4 in time.</p> <p>5 BY MS. CORBELLO:</p> <p>6 Q. Who decides who is getting the</p> <p>7 state-controlled media label and who is not?</p> <p>8 A. It's a cross-functional team. One</p> <p>9 of the teams that works on it is the security team</p> <p>10 that rules on it.</p> <p>11 Q. February 2021, the next sentence.</p> <p>12 Facebook has informational labels to some posts</p> <p>13 related to climate change.</p> <p>14 A. That's correct.</p> <p>15 Q. Are you aware of any media articles</p> <p>16 indicating that Facebook actually profits from</p> <p>17 misinformation about climate crisis on its</p> <p>18 platform?</p> <p>19 A. On climate crisis specifically, no,</p> <p>20 I'm not.</p> <p>21 Q. May 2021. Facebook published a</p> <p>22 threat report on efforts taken to protect against</p> <p>23 influence operations aimed at manipulating -- I'm</p> <p>24 not going to read that whole sentence.</p> <p>25 Could you describe to me what influence</p>	<p style="text-align: right;">97</p> <p>1 elections context. For example, we have an ad</p> <p>2 transparency center that if you are running what we</p> <p>3 call a social issue or political ad that you must</p> <p>4 affirm that you are a -- I guess I don't want to</p> <p>5 say "resident," it has that connotation, but</p> <p>6 domicile living in the state that you are or living</p> <p>7 in the country that you are running the ad, affirm</p> <p>8 to a number of other things, and then have that ad</p> <p>9 disclosed for up to seven years to the public</p> <p>10 because we recognize transparency in the elections</p> <p>11 is very important.</p> <p>12 Q. Are you aware of any allegations</p> <p>13 against Facebook that its algorithms are actually</p> <p>14 designed to incite more anger or violence in its</p> <p>15 users in the way that it ranks content?</p> <p>16 A. I have heard allegations through</p> <p>17 kind of news articles that make those allegations</p> <p>18 about Facebook using to promote anger, being used</p> <p>19 to promote anger.</p> <p>20 Q. Do you agree with those allegations?</p> <p>21 A. I do not.</p> <p>22 Q. Do you have any opinion on whether</p> <p>23 users are more likely to engage on Facebook with</p> <p>24 content that upsets them versus content that they</p> <p>25 agree with?</p>

<p style="text-align: right;">98</p> <p>1 MR. DISHER: Objection to form.</p> <p>2 THE WITNESS: I don't have -- I</p> <p>3 don't have any knowledge of whether they</p> <p>4 would be or would not be.</p> <p>5 MS. CORBELLO: We can take a</p> <p>6 break.</p> <p>7 THE VIDEOGRAPHER: We are going</p> <p>8 off the record. This is the end of media</p> <p>9 No. 1. The time is 10:50 a.m.</p> <p>10 (Recess)</p> <p>11 THE VIDEOGRAPHER: We're back on</p> <p>12 the record. This is the beginning of</p> <p>13 media Unit No. 2. The time is 11:01 a.m.</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. Let's go to paragraph 17 of your</p> <p>16 declaration.</p> <p>17 A. Sure.</p> <p>18 Q. Let me know when you're ready.</p> <p>19 A. I'm ready.</p> <p>20 Q. So the first two sentences there</p> <p>21 talk about users whose content gets removed or</p> <p>22 flagged. What's the recourse? How does that look</p> <p>23 when a user has been notified that their content is</p> <p>24 removed or flagged?</p> <p>25 A. Sure. When you have a content</p>	<p style="text-align: right;">100</p> <p>1 Q. The appeals process you just</p> <p>2 described to me, is that for any sort of</p> <p>3 user-generated content, so something posted,</p> <p>4 shared, liked, a comment, does that apply across</p> <p>5 the board?</p> <p>6 A. It does. One point of clarification</p> <p>7 on the appeals process. I think we're talking</p> <p>8 about removal appeals. You also have the ability</p> <p>9 to appeal content that you may have flagged for</p> <p>10 removal and we decided that it did not violate our</p> <p>11 policies. You have a chance to appeal that type of</p> <p>12 content on certain abuse areas as well.</p> <p>13 Q. So if a user flags some other user's</p> <p>14 content, there's a way for that user, the first</p> <p>15 user to appeal a decision to keep that content on</p> <p>16 the platform?</p> <p>17 A. Right. If Joe flags a piece of</p> <p>18 content, we say that Joe, no that content does not</p> <p>19 violate our policy. Joe may, in certain cases, may</p> <p>20 be presented with an option to appeal that. In</p> <p>21 other cases around certain specific types of</p> <p>22 content, that option is not available.</p> <p>23 Q. So back to the first scenario where</p> <p>24 a user's content has been removed. Facebook</p> <p>25 provides content notice of the removal, and is the</p>
<p style="text-align: right;">99</p> <p>1 removed from Facebook, you are provided a notice</p> <p>2 within your app that you have that content removed.</p> <p>3 We aspire to give you the violation category that</p> <p>4 it was removed for as well, the date and time that</p> <p>5 we removed it.</p> <p>6 For example, if I post something that</p> <p>7 violates a hate speech policy, I would receive a</p> <p>8 notice that says On November 16 you posted at this</p> <p>9 time in violation of our hate speech policies. And</p> <p>10 that on certain occasions we will include the</p> <p>11 actual post itself, the entire post. Other</p> <p>12 occasions we may not.</p> <p>13 Q. How quickly does that notification</p> <p>14 happen generally?</p> <p>15 A. Is that generally from the time of</p> <p>16 the posting or generally from the time of the</p> <p>17 decision to remove the content?</p> <p>18 Q. From the time of the decision to</p> <p>19 remove the content.</p> <p>20 A. It is not instantaneous, but we seek</p> <p>21 to do that very quickly within, within a very short</p> <p>22 period of time.</p> <p>23 Q. Would it be less than 24 hours</p> <p>24 typically?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">101</p> <p>1 appeal option presented in that same notice, or</p> <p>2 does that come separately?</p> <p>3 A. I believe it's at the bottom of that</p> <p>4 notice, it gives you the option to seek further</p> <p>5 decision.</p> <p>6 Q. And how does that process work?</p> <p>7 A. If you opt into that, you</p> <p>8 essentially click a radio button, a button on that,</p> <p>9 I believe it clicks, that appeal, the new -- it</p> <p>10 essentially creates a new review or as you</p> <p>11 mentioned a new ticket. But a new case. That case</p> <p>12 will then be removed again.</p> <p>13 Subsequent to an appeal that upholds the</p> <p>14 first decision, in certain cases you may have the</p> <p>15 option also to appeal to our oversight board.</p> <p>16 Q. What's -- how is it determined</p> <p>17 whether a user gets the option to use the oversight</p> <p>18 board or not?</p> <p>19 A. I think it's presented -- fairly</p> <p>20 presented I believe to everyone. The certain cases</p> <p>21 that I'm really flagging on are around child sexual</p> <p>22 exploitative images. We won't give you a chance to</p> <p>23 appeal. We won't give you a chance to appeal if</p> <p>24 you are a terrorist, are representing to be a</p> <p>25 terrorist. In most cases we won't give you a</p>

<p style="text-align: right;">102</p> <p>1 chance to appeal for those, but in the vast  2 majority of other cases. I don't want to speak in  3 pure definitives in case there is something that  4 I'm uncertain about.  5 Q. Going back a second to the notice  6 that a user gets if their content is removed. You  7 said sometimes those notices will tell them why the  8 content is removed, but sometimes it won't. When  9 is it treated differently?  10 A. Again, we aspire to tell them what  11 it was removed for in cases where you may be an  12 inauthentic actor, for example, or a network of  13 adversarial actors, terrorists and these groups, we  14 may not be as clear to say that you're violating  15 our policies. We will just remove your content and  16 remove your account.  17 So for those that are purely adversarial  18 spaces where you have what we call network  19 disruptions for these types of behaviors, and again  20 going to those that trade child exploitative images  21 as well, we may not tell you that we are removing,  22 you know, specifically removing your content. We  23 are not definitely not showing you the same child  24 exploitative image that you posted.  25 Q. Is there a process for users who</p>	<p style="text-align: right;">104</p> <p>1 A. That's correct.  2 Q. And the oversight board, it was  3 established in May 2020 it says under your  4 paragraph?  5 A. That is correct.  6 Q. Do you know how many enforcement  7 decisions the oversight board has weighed in on  8 since it was created in May 2020 to this day?  9 A. I don't have the exact number,  10 unfortunately.  11 Q. Are you aware that the Facebook  12 website says it's been 18 pieces of content?  13 MR. DISHER: Object to the form.  14 THE WITNESS: I'm not aware of  15 what it is today. In fact, I think they  16 just, they just ruled on a few more cases  17 recently. So I don't have the updated  18 number today.  19 BY MS. CORBELLO:  20 Q. Go to -- actually, just staying on  21 17 for a second.  22 A. Sure.  23 Q. You read HB 20; correct?  24 A. I have, I've skimmed through it,  25 yes.</p>
<p style="text-align: right;">103</p> <p>1 have the entire account removed from Facebook?  2 A. I have to find out the specifics on  3 at that point there are appeals processes, but they  4 vary.  5 Q. What types of content are eligible  6 for oversight board review?  7 A. Any content that is removed or  8 upheld that it falls within our community standards  9 is eligible. So that includes all the abuse areas  10 we talked earlier, the violence incitement,  11 dangerous organizations, nudity to bullying to I  12 think you even have a case recently on privately  13 identifiable information, PII.  14 Q. And other than a user requesting  15 that the decision go up to the oversight board, are  16 there any other ways in which content gets removed  17 by that board?  18 A. We also -- we being Facebook -- may  19 also refer issues to the oversight board, issues  20 that we think will be precedential, issues that may  21 be consequential, that we would refer to the  22 oversight board for review.  23 Q. Facebook handles billions of  24 user-generated content in any given year; is that  25 right?</p>	<p style="text-align: right;">105</p> <p>1 Q. It's also at tab 1 if you need to  2 look at it now.  3 Are there any specific sections of HB 20  4 that you know of that would change this appeals  5 process that we just talked about in paragraph 17?  6 MR. DISHER: Object to the form.  7 MR. McCARRICK: Objection to form.  8 THE WITNESS: Let me have a  9 second.  10 BY MS. CORBELLO:  11 Q. Sure.  12 MS. CORBELLO: We'll go ahead and  13 mark the language of HB 20 in tab 1 as  14 defense Exhibit 3.  15 (Exhibit 3, HB 20, was  16 marked for identification.)  17 THE WITNESS: Yes.  18 BY MS. CORBELLO:  19 Q. Do you want me to reask my question?  20 A. Please do.  21 Q. Can you point me to the specific  22 sections of HB 20 that modifies anything that we  23 just talked about in regards to paragraph 17?  24 MR. McCARRICK: Object to the  25 form.</p>

<p>106</p> <p>1 THE WITNESS: Yeah. It's a bit 2 difficult for me to understand the 3 definitions of what you mean by -- in 4 these terms of review content. I think 5 review content has different definitions, 6 who the reviewer is, how those things 7 are, the body that oversees potential 8 appeal. I think that's one of the main. 9 We aspire to give people feedback 10 very quickly on their appeals. I cannot 11 say that we are, we comply with 14 days 12 in all cases. And for, you know, 13 particularly difficult cases it may be 14 longer. Including things that we 15 ultimately may send to the oversight 16 board where they, as you noted, they 17 have -- with 18 cases put out over the 18 course of a year, it's not necessarily 19 the most speedy body, nor is it designed 20 to be. 21 BY MS. CORBELLO: 22 Q. You said you're not able to provide 23 decisions within the 14-day deadline that HB 20 24 provides for? 25 MR. DISHER: Objection to form.</p>	<p>108</p> <p>1 review the content, determine whether it violates 2 policies. 3 A. Yes. 4 Q. You're saying Facebook cannot meet a 5 14-day deadline? 6 MR. McCARRICK: Hold on. Ask the 7 question. 8 MR. DISHER: Object to the form. 9 BY MS. CORBELLO: 10 Q. Are you saying that Facebook cannot 11 meet this 14-day deadline as it's laid out in 12 HB 20? 13 MR. McCARRICK: Objection to form. 14 You can answer. 15 THE WITNESS: There are four -- it 16 seems that there are four requirements 17 there to review, determine, take 18 appropriate steps and to notify. I'm 19 unclear on the notification there. For 20 certain that we may or we may not be able 21 to, you know, we aspire to. I can't say 22 that we certainly will. 23 In certain cases again where we 24 are seeking -- where we make referrals to 25 the oversight board, that decision may</p>
<p>107</p> <p>1 MR. McCARRICK: Object to the 2 form. 3 THE WITNESS: I'd say we're not 4 able to -- we may not be able to provide 5 appeals decisions within those 14 days. 6 BY MS. CORBELLO: 7 Q. Where do you see that there's a 8 14-day deadline for appeals decisions? 9 MR. DISHER: Object to the form. 10 THE WITNESS: If you are on HB 20 11 under Section 120.104, I believe that is 12 the third line. The social media 13 platform shall not and no later than the 14 14th day. I may have misread that, but 15 that's how I interpret it. 16 BY MS. CORBELLO: 17 Q. So starting at the beginning of 18 Section 120.104, it says, "If a social media 19 platform receives a user complaint on the social 20 media platform's removal from the platform of 21 content provided by the user that the user believes 22 was not potentially policy-violating content, the 23 social media platform shall not later than the 24 14th day, excluding Saturdays and Sundays," and 25 then it has some different requirements including</p>	<p>109</p> <p>1 rest with them, and as we discussed 2 earlier, the oversight board may or may 3 not be able to meet such a deadline. 4 BY MS. CORBELLO: 5 Q. If you go to tab 16. 6 A. 16. 7 Q. Yes. Facebook 65. 8 A. Sure. Is that the Bates number? 9 Q. Yes, it's at the bottom right. Have 10 you had a chance to look at it? 11 A. One second, please, thanks. Yes. 12 Q. What is this document? 13 A. It's a document explaining I guess 14 both how you can disagree or appeal a decision, and 15 it's a point that I should have made note with in 16 my previous statement, the impacts of COVID-19 and 17 the pandemic on our ability to actually review and 18 appeal of content decisions, because appeals are 19 going generally to humans for that review. 20 Facebook relying on a team of over 40,000 21 people that work in and specifically 15,000 content 22 moderators. Many of those people were sent home in 23 many cases without access of their devices for 24 private sensitive information to access users' 25 posts, users' potential user violations. And</p>



<p>110</p> <p>1 during that period of time our appeals process had 2 a significant lag if it was appealed or if the 3 appeals were actually met. 4 In certain cases we would what we call 5 auto-close and just say that essentially you use it 6 as a signal that you disagree with a decision but 7 not actually give you a specific decision on your 8 appeal. 9 Q. This is one of the documents that 10 you relied on in drafting your declaration; 11 correct? 12 A. I believe that's correct, yes. 13 Q. And this was -- this is posted to 14 Facebook's website currently; right? 15 A. I don't have -- I don't have the 16 website in front of me right now. It was 17 posted when -- 18 Q. When you drafted your declaration, 19 was it posted to Facebook? 20 A. Yes. 21 Q. And you drafted your declaration 22 some time around this past summer, 2021, is that 23 fair to say? 24 A. That's correct. 25 Q. Do you see at the very bottom</p>	<p>112</p> <p>1 THE WITNESS: Run of the mill, we 2 aspire to review it within 24 hours. 3 BY MS. CORBELLO: 4 Q. Well, you're telling your users this 5 on your website. Is it generally within 24 hours 6 absent some exception, or is it, it will be 24 7 hours if we feel like it? 8 MR. McCARRICK: Object to the 9 form. 10 THE WITNESS: It's definitely if 11 we feel like it. We try to do it within 12 24 hours. 13 BY MS. CORBELLO: 14 Q. So that's the general practice? 15 A. We try to do it within 24 hours. 16 MS. CORBELLO: Marking this as 17 defense Exhibit 4. 18 (Exhibit 4, document 19 entitled I Don't Think Facebook 20 Should Have Taken Down My Post, 21 was marked for identification.) 22 Q. Going to Paragraph 18 of your 23 declaration. 24 A. Sure. 25 Q. This paragraph is specifically about</p>
<p>111</p> <p>1 paragraph there, the first sentence starts out, 2 "Once you ask us to take another look, your content 3 will be removed again by Facebook usually within 24 4 hours"? 5 A. Yes. 6 Q. So currently Facebook is promising 7 its users that it will review an appeal of content 8 that's been removed within 24 hours. Is that fair? 9 MR. McCARRICK: Object to the 10 form. 11 THE WITNESS: I think the 12 operative word there is "usually," that 13 we will hinge on. We aspire to do it 14 within 24 hours, but to say that we 15 always meet that mark for the number of 16 reasons that I laid out, including some 17 of these COVID impacts, is particularly 18 difficult content, it may take longer to 19 review as well. 20 BY MS. CORBELLO: 21 Q. Generally for just a run-of-the-mill 22 appeal of content removed within 24 hours, usually 23 Facebook will review a user's appeal of that 24 decision; right? 25 MR. DISHER: Objection to form.</p>	<p>113</p> <p>1 a user's ability to curate their own Facebook page 2 or any content that they see; correct? 3 A. That's correct. 4 Q. This paragraph has nothing to do 5 with the decisions that Facebook made in regards to 6 a user's Facebook page or the content of its 7 safety; right? 8 MR. DISHER: Object to the form. 9 THE WITNESS: We enable the 10 tools -- not trying to be difficult, but 11 we enable the tools that a user uses to 12 select like who they would block, for 13 example, or things that they would 14 follow. 15 BY MS. CORBELLO: 16 Q. So you provide users the ability to 17 make these decisions for themselves, is that what 18 you're trying to say? 19 A. Correct. 20 Q. This paragraph isn't about the 21 decisions that Facebook is making in regards to 22 what a user can see or can't see? 23 A. That -- can you repeat that one more 24 time. 25 Q. Nothing in this paragraph, there's</p>



<p>114</p> <p>1 plenty of other paragraphs in this declaration</p> <p>2 about how Facebook moderates its content for users.</p> <p>3 A. Correct.</p> <p>4 Q. Is there anything in this paragraph</p> <p>5 about the decisions of Facebook or its algorithms</p> <p>6 or its humans are making in terms of moderating the</p> <p>7 content and displaying it for users?</p> <p>8 MR. DISHER: Object to the form.</p> <p>9 THE WITNESS: I guess the point</p> <p>10 may be that I'm hung up on a bit is that</p> <p>11 these are tools that people can use to</p> <p>12 help inform their news feed. They are</p> <p>13 still subject to the overall news feed,</p> <p>14 if that makes sense. So they're using</p> <p>15 tools to help curate their own news feed</p> <p>16 experience, but the news feed is still</p> <p>17 running, but, yes, they do have tools to</p> <p>18 curate their news feed experience.</p> <p>19 BY MS. CORBELLO:</p> <p>20 Q. And the curation of that experience</p> <p>21 by the user is what this paragraph is about?</p> <p>22 A. Yes.</p> <p>23 Q. Facebook allows users to, it says,</p> <p>24 choose a list of favorite friends, pages to</p> <p>25 feature, they can even block content from certain</p>	<p>116</p> <p>1 THE WITNESS: If we go to</p> <p>2 Section 143A.002, Censorship Prohibited,</p> <p>3 my understanding of the way that I read</p> <p>4 censorship in this context vis-a-vis the</p> <p>5 viewpoint of the user, the user's</p> <p>6 expression, et cetera, is that we will</p> <p>7 make certain decisions on this based off</p> <p>8 of the feedback that we receive from the</p> <p>9 users, so those signals that the users</p> <p>10 are giving us about what types of content</p> <p>11 they like to be surfaced or engaged with.</p> <p>12 And if we make decisions that use</p> <p>13 that feedback, that may be read to the</p> <p>14 violating of the policies of</p> <p>15 discrimination against the viewpoint of a</p> <p>16 user.</p> <p>17 I don't understand what a</p> <p>18 viewpoint means in this term. It's a</p> <p>19 pretty broad expression, but the way that</p> <p>20 our ranking algorithms work in concert,</p> <p>21 including with the way that people choose</p> <p>22 to curate and choose to try to curate</p> <p>23 themselves, these things aren't, as I was</p> <p>24 trying to explain earlier or the reason</p> <p>25 why I was hung up, they're not wholly</p>
<p>115</p> <p>1 users or pages and report content; is that right?</p> <p>2 A. That is correct.</p> <p>3 Q. Can you point me to the specific</p> <p>4 provision in HB 20 that does not allow what you</p> <p>5 describe in paragraph 18 to continue?</p> <p>6 MR. DISHER: Objection to form.</p> <p>7 MR. McCARRICK: Object to the</p> <p>8 form.</p> <p>9 THE WITNESS: Can I review?</p> <p>10 BY MS. CORBELLO:</p> <p>11 Q. Sure. It's tab 1. Defense Exhibit,</p> <p>12 I believe.</p> <p>13 A. Maybe repeat the question.</p> <p>14 Q. Sure. Can you point me to the</p> <p>15 specific provision in HB 20 that you believe would</p> <p>16 essentially prohibit what you describe in</p> <p>17 paragraph 18 from continuing to happen?</p> <p>18 MR. DISHER: Objection to form.</p> <p>19 MR. McCARRICK: Same objection.</p> <p>20 BY MS. CORBELLO:</p> <p>21 Q. Actually, let me put it this way:</p> <p>22 Can you point to a specific provision in HB 20 that</p> <p>23 does not allow users to continue to curate their</p> <p>24 own news feeds on Facebook?</p> <p>25 MR. DISHER: Objection to form.</p>	<p>117</p> <p>1 separate. They do work together and so</p> <p>2 these things would overlap.</p> <p>3 BY MS. CORBELLO:</p> <p>4 Q. Can you turn to the next page from</p> <p>5 where you were just reading from. There's a</p> <p>6 subsection B there towards the top of the page.</p> <p>7 A. On page --</p> <p>8 Q. It's the very next page from where</p> <p>9 you were reading.</p> <p>10 A. Subsection, I'm sorry, B?</p> <p>11 Q. Yes. It's under Section 143A.006</p> <p>12 subsection B.</p> <p>13 A. Okay, yes.</p> <p>14 Q. Just read it to yourself basically.</p> <p>15 A. (Witness complies with request.)</p> <p>16 Yes.</p> <p>17 Q. Does this change your testimony at</p> <p>18 all from a moment ago that Facebook is not allowed</p> <p>19 to continue to permit their users to curate their</p> <p>20 own content?</p> <p>21 MR. DISHER: Object to the form.</p> <p>22 MR. McCARRICK: Object to the</p> <p>23 form.</p> <p>24 THE WITNESS: Again, we're using</p> <p>25 signals to help model what a user would</p>

<p>118</p> <p>1 likely want to have appear in their feed.  2 So that may include specific things that  3 you've already said that I don't want to  4 see that, but also modeling towards  5 things that are highly likely to be the  6 same as that. We used earlier the  7 example of I don't want to see Ray Ban,  8 random Ray Ban spam ads in my feed. I  9 may do that.  10 We would always use that to model  11 also, you don't want to see random, you  12 know, some fake Jordans ads, you don't  13 want to see fake other types of material,  14 you know, kind of goods presented in your  15 feed. And we would make decisions  16 likewise on those.  17 BY MS. CORBELLO:  18 Q. So the example you gave of a user,  19 you know, pressing block on a Ray Bans spam ad,  20 what in HB 20 prohibits that from happening?  21 MR. DISHER: Objection to form.  22 THE WITNESS: Nothing prevents the  23 user from pressing block. It is the  24 downstream effects of how that would  25 ultimately inform our news feed</p>	<p>120</p> <p>1 A. For certain types of content when  2 you get feedback, it does present you with options.  3 When you hide specific content, it does present you  4 with options generally, but I can't speak to all  5 instances and all versions of Facebook.  6 Q. Who would be able to speak to that?  7 A. I don't know offhand. Our UX  8 designer.  9 Q. A what?  10 A. User experience designer. Sorry.  11 Shorthand. The user experience designer that has  12 the most up-to-date version of Facebook.  13 Q. Go down to Paragraph 22.  14 A. 22? On my declaration?  15 Q. Yes. Page 8 of your declaration.  16 A. Page 7? Oh, page 8.  17 Q. Yes. Eight at the top.  18 MR. DISHER: Eight at the top,  19 seven at the bottom.  20 THE WITNESS: Yes.  21 BY MS. CORBELLO:  22 Q. So paragraph 22 talks about one way  23 in which HB 20 is -- would impact Facebook. Is  24 that right?  25 A. I believe so, yes.</p>
<p>119</p> <p>1 algorithm, and it's important to also  2 point out that the news feed is specific  3 to each user, how that impacts that  4 user's news feed experience, and we will  5 make decisions based off of the user's  6 feedback, indirect and direct feedback.  7 We make those decisions to present them  8 the -- present them the news feed that we  9 believe that they want the most.  10 Here where you say about specific  11 expression, I assume, but I don't know,  12 but specific expression is very vague to  13 me. Does that mean all content that  14 falls in that category, or is it about a  15 specific piece of like one piece of  16 content that falls, that the user  17 specifically pressed.  18 Those are the decisions that we  19 would be forced to make.  20 BY MS. CORBELLO:  21 Q. When a user decides to block  22 content, they press the, what is it, the radio  23 button for block, does Facebook pop up a question  24 as to, you know, why are you blocking this content,  25 anything like that?</p>	<p>121</p> <p>1 Q. What specific provision of HB 20 are  2 you referring to in paragraph 22?  3 MR. DISHER: Objection to form.  4 THE WITNESS: Section 143A.002.  5 BY MS. CORBELLO:  6 Q. Any other provisions?  7 A. That is the main provision that I  8 focused on.  9 Q. Paragraph 23. Just let me know when  10 you're ready.  11 A. I am ready.  12 Q. What part of -- what provision of  13 HB 20 are you referring to in paragraph 23?  14 MR. DISHER: Objection, form.  15 THE WITNESS: Again,  16 Section 143A.002, but I believe there is  17 one other section. If you bear with me,  18 please.  19 BY MS. CORBELLO:  20 Q. Sure, take your time.  21 A. Here we go. I should read it in  22 order, perhaps. So if we go to, I believe this  23 is -- actually, I'm just going to stick with that  24 chapter. I know there's a portion that says it  25 talks about curation, but unfortunately I'm not</p>

<p>122</p> <p>1 finding it right now.</p> <p>2 Q. So you said previously 143A.002?</p> <p>3 A. That is correct.</p> <p>4 Q. Any particular subsection?</p> <p>5 MR. DISHER: Object to the form.</p> <p>6 THE WITNESS: Again, I think it's</p> <p>7 all-encompassing of that subsection A</p> <p>8 that begins with "The social media</p> <p>9 platform may not censor" is the main.</p> <p>10 BY MS. CORBELLO:</p> <p>11 Q. Paragraph 24 of your declaration,</p> <p>12 let me know when you've read that.</p> <p>13 A. Sure. Yes.</p> <p>14 Q. It talks there at the end about, it</p> <p>15 gives a few examples, white supremacist content,</p> <p>16 anti-Semitic conspiracy theories and other racist</p> <p>17 content.</p> <p>18 Is it your opinion that HB 20 does not</p> <p>19 allow Facebook to prohibit racist as a category on</p> <p>20 its platform as a result of that law?</p> <p>21 MR. DISHER: Objection to form.</p> <p>22 THE WITNESS: I don't understand</p> <p>23 what viewpoint means. There's no</p> <p>24 definition that I see for viewpoint. So</p> <p>25 it's hard for me to understand what a</p>	<p>124</p> <p>1 category if it would go into effect?</p> <p>2 MR. DISHER: Object to the form.</p> <p>3 THE WITNESS: I don't know what</p> <p>4 viewpoint means here. If viewpoint would</p> <p>5 mean that we would have to allow people</p> <p>6 who share racist, anti-Semitic conspiracy</p> <p>7 theories that would share a specific type</p> <p>8 of misinformation that could lead to</p> <p>9 imminent harm, that could share terrorist</p> <p>10 activity, then yes. Then that would</p> <p>11 prevent us from doing our job, and it</p> <p>12 would be -- it would undo our current</p> <p>13 moderation practices.</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. You're aware that HB 20 right now is</p> <p>16 currently set to go into effect on December 2,</p> <p>17 2021; right?</p> <p>18 A. I am.</p> <p>19 Q. Do you have any personal knowledge</p> <p>20 as to whether Facebook believes it's going to have</p> <p>21 to remove racist content as a category that it</p> <p>22 moderates for as a result of HB 20 going into</p> <p>23 effect?</p> <p>24 MR. DISHER: Objection to form.</p> <p>25 MR. McCARRICK: Objection to form.</p>
<p>123</p> <p>1 viewpoint means.</p> <p>2 Facebook, we want multiple</p> <p>3 viewpoints. We don't make rules or</p> <p>4 agnostic to someone's religion or</p> <p>5 agnostic to your political party, but we</p> <p>6 want to treat certain types of speech and</p> <p>7 potentially certain positions and</p> <p>8 viewpoints as very hostile.</p> <p>9 If you're a terrorist, we don't</p> <p>10 want you. If you traffic in child</p> <p>11 exploitative images, we don't want you.</p> <p>12 If you're someone who traffics in hate</p> <p>13 broadly, if you're a scammer or spammer,</p> <p>14 we don't want you on the platform. We</p> <p>15 want to be able to moderate things of</p> <p>16 that content.</p> <p>17 BY MS. CORBELLO:</p> <p>18 Q. So is the answer to my question yes?</p> <p>19 MR. DISHER: Object to the form.</p> <p>20 THE WITNESS: Repeat the specific</p> <p>21 question and see if I can give you a</p> <p>22 yes-or-no answer.</p> <p>23 BY MS. CORBELLO:</p> <p>24 Q. Is it your position that HB 20 would</p> <p>25 not allow Facebook to prohibit racist content as a</p>	<p>125</p> <p>1 THE WITNESS: Again, the viewpoint</p> <p>2 definition here is at best vague if</p> <p>3 nonexistent, so it's hard for me to say.</p> <p>4 I understand that if this law were</p> <p>5 to go into effect on the 1st that it</p> <p>6 would be extremely, extremely maybe</p> <p>7 impossible for us to comply. It would</p> <p>8 force us to change all of our systems to</p> <p>9 try to come into compliance.</p> <p>10 We've spent billions of dollars, I</p> <p>11 mentioned earlier about 13 billion on</p> <p>12 this specific area since 2016, 40,000</p> <p>13 people.</p> <p>14 We have to -- I am sure invest</p> <p>15 nearly as much to be able to comply with</p> <p>16 all that would undo our systems in such a</p> <p>17 fundamental way.</p> <p>18 BY MS. CORBELLO:</p> <p>19 Q. And by "comply," you mean</p> <p>20 essentially take away racist content as a category</p> <p>21 of something that Facebook moderates for?</p> <p>22 MR. DISHER: Objection to form.</p> <p>23 MR. McCARRICK: Objection to form.</p> <p>24 THE WITNESS: Could you repeat</p> <p>25 what the taking away was? I'm trying to</p>

<p>126</p> <p>1 make sure I get the verbs and negatives</p> <p>2 correct.</p> <p>3 BY MS. CORBELLO:</p> <p>4 Q. Sure. You talked about you're going</p> <p>5 to have to modify a lot of the systems if HB 20</p> <p>6 goes into effect.</p> <p>7 A. Correct.</p> <p>8 Q. Would one of those modifications</p> <p>9 mean taking away, for example, racist content as a</p> <p>10 category that Facebook moderated for?</p> <p>11 MR. DISHER: Objection to form.</p> <p>12 THE WITNESS: Possibly. And much</p> <p>13 more, depending on, you know, what's the</p> <p>14 definition of viewpoint, viewpoint here</p> <p>15 is. That could be -- racist content</p> <p>16 could be content that violates and</p> <p>17 incites all the training that the</p> <p>18 algorithms have done over the years, all</p> <p>19 the training that the human reviewers</p> <p>20 have done all the years, our strong</p> <p>21 engagement built within and then broadly</p> <p>22 the safety of the platform.</p> <p>23 So yes, all the things that we</p> <p>24 have built up as an infrastructure and</p> <p>25 guardrails to ensure that we have a safe</p>	<p>128</p> <p>1 refers to.</p> <p>2 Q. So other than the carve-out you</p> <p>3 identified in 143A.006, are there any other</p> <p>4 categories of content that you believe HB 20 allows</p> <p>5 Facebook to continue to moderate?</p> <p>6 MR. DISHER: Objection to form.</p> <p>7 THE WITNESS: I think outside of</p> <p>8 those specific things, again, without an</p> <p>9 understanding fully of -- because I don't</p> <p>10 think it's defined -- unlawful expression</p> <p>11 broadly, it seems that all of our other</p> <p>12 abuse areas would be subject to, and then</p> <p>13 we would not be able to moderate content</p> <p>14 in those spaces up to and including. I</p> <p>15 think despite what you have here as</p> <p>16 criminal incitement to violence, perhaps,</p> <p>17 our definition is not one that's tied to</p> <p>18 the criminality or the Texas statutes on</p> <p>19 inciting violence.</p> <p>20 BY MS. CORBELLO:</p> <p>21 Q. How does Facebook make its money?</p> <p>22 MR. DISHER: Object to the form.</p> <p>23 THE WITNESS: We have a few</p> <p>24 revenue streams, but primarily through</p> <p>25 advertising.</p>
<p>127</p> <p>1 site would undergo massive, massive</p> <p>2 change to allow these types of content to</p> <p>3 it.</p> <p>4 BY MS. CORBELLO:</p> <p>5 Q. What -- what categories of content</p> <p>6 do you believe HB 20 allows Facebook to moderate</p> <p>7 for?</p> <p>8 MR. DISHER: Object to the form.</p> <p>9 MR. McCARRICK: Object to the</p> <p>10 form.</p> <p>11 THE WITNESS: Can I go back to --</p> <p>12 BY MS. CORBELLO:</p> <p>13 Q. Sure.</p> <p>14 A. Under Section 143A.006, I think</p> <p>15 there are some carve-outs for specific, would be</p> <p>16 considered probably criminal sharing. So that</p> <p>17 would include sexual abuse. Some that -- it's</p> <p>18 listed here content that would directly incite</p> <p>19 criminal activity or consist of specific threats,</p> <p>20 but I don't see and I don't know if these are</p> <p>21 incorporated somewhere else. But I don't see</p> <p>22 definitions on what is considered to be inciting or</p> <p>23 what is considered to be specific in the threat</p> <p>24 categorization there. And then like the broad</p> <p>25 unlawful expression, which I don't know what that</p>	<p>129</p> <p>1 BY MS. CORBELLO:</p> <p>2 Q. What's the percentage of funds that</p> <p>3 you receive for revenue that you receive from</p> <p>4 advertisers?</p> <p>5 A. I don't have an exact figure.</p> <p>6 Q. Is it above 80 percent?</p> <p>7 A. I believe so.</p> <p>8 Q. Is it above 90 percent?</p> <p>9 A. I don't have an exact figure.</p> <p>10 Q. So somewhere between 80 and</p> <p>11 100 percent?</p> <p>12 A. I believe so.</p> <p>13 Q. Go to paragraph 26 for me.</p> <p>14 A. Sure.</p> <p>15 Q. Let me know when you're done with</p> <p>16 that.</p> <p>17 A. Sure. Yes, I'm done.</p> <p>18 Q. Okay. It looks like this paragraph</p> <p>19 is mostly about the concerns that Facebook has with</p> <p>20 having to comply with the law that applies to</p> <p>21 Texans when they are a global company. Did I read</p> <p>22 that right?</p> <p>23 MR. DISHER: Object to the form.</p> <p>24 THE WITNESS: I think that it's</p> <p>25 complying with the law even for our</p>

<p>130</p> <p>1 citizens of Texas as well with some of 2 the kind of the vague descriptions there. 3 But also recognizing that we are a global 4 company, a 3 billion person company, and 5 enforcing rules dictated by the Texas 6 government on to other users as well. 7 BY MS. CORBELLO: 8 Q. Are there currently any state laws 9 that regulate Facebook in any way? 10 MR. DISHER: Object to the form. 11 MR. McCARRICK: Object to the 12 form. 13 THE WITNESS: State as in the 50 14 several states? 15 BY MS. CORBELLO: 16 Q. Yes. 17 A. I'm not aware of any specific state 18 laws outside of -- I'm aware of the federal laws. 19 I don't know any specific state laws on content 20 regulation. 21 Q. Is there a law out of California 22 that's in effect right now regarding -- regarding 23 collection of user data on Facebook? 24 MR. DISHER: Object to the form. 25 THE WITNESS: I'm not aware. I'm</p>	<p>132</p> <p>1 BY MS. CORBELLO: 2 Q. Can you think of any examples as to 3 how international laws affects Facebook's ability 4 to do business in the U.S.? 5 MR. DISHER: Object to the form. 6 THE WITNESS: Try to comply with 7 law -- with laws. We do make product 8 changes and product investments to comply 9 with laws that we are actually able to 10 comply with. I have not seen something 11 that is -- would create such a 12 fundamental shift as the rest of the 13 Texas law in the way that a social media 14 company would be forced to moderate 15 content. 16 BY MS. CORBELLO: 17 Q. In terms of these international laws 18 that are in effect, has Facebook had to 19 substantially modify its policies or practices in 20 order to comply? 21 MR. DISHER: Object to the form. 22 THE WITNESS: Repeat one more 23 time. 24 BY MS. CORBELLO: 25 Q. Sure. In terms of the international</p>
<p>131</p> <p>1 not aware. 2 BY MS. CORBELLO: 3 Q. Are there laws in other countries 4 that currently regulate Facebook in any way? 5 MR. DISHER: Object to the form. 6 THE WITNESS: Yes. 7 BY MS. CORBELLO: 8 Q. What laws are those? 9 A. I know there are regulations. I 10 don't know the laws specifically. 11 Q. What are the regulations aimed at 12 primarily, if you know? 13 MR. DISHER: Object to the form. 14 THE WITNESS: Broadly privacy, 15 some based on misinformation. Others on 16 data localization issues, issues of that 17 nature. 18 BY MS. CORBELLO: 19 Q. How do those international laws 20 affect Facebook's ability to do business here in 21 the U.S.? 22 MR. DISHER: Object to the form. 23 THE WITNESS: I don't know 24 specifically. 25</p>	<p>133</p> <p>1 laws that regulate Facebook, has it had to 2 substantially modify its policies and practices in 3 order to comply with those laws? 4 MR. DISHER: Object to the form. 5 THE WITNESS: I'm not aware. 6 Again, we try to comply, but we don't 7 always comply with laws. Sometimes we 8 object. 9 BY MS. CORBELLO: 10 Q. Well, in your personal capacity as 11 vice president in Trust and Safety teams -- sorry 12 if I'm getting that wrong -- have you or your team 13 had to modify your policies and practices in any 14 way as a result of an international law? 15 MR. DISHER: Object to the form. 16 THE WITNESS: On an international 17 provision, my team has not, but I'm not 18 aware of other teams that may have. 19 BY MS. CORBELLO: 20 Q. Is it Facebook's position that no 21 state is allowed to regulate it in any way? 22 MR. DISHER: Object to the form. 23 THE WITNESS: Define the state. 24 BY MS. CORBELLO: 25 Q. In the 50 states.</p>

<p>134</p> <p>1 A. Repeat the question.</p> <p>2 Q. Sure. Is it Facebook's position</p> <p>3 that no state within the 50 states should be able</p> <p>4 to regulate Facebook?</p> <p>5 MR. DISHER: Object to the form.</p> <p>6 THE WITNESS: I don't know if we</p> <p>7 have a fundamental position on the</p> <p>8 state's regulation.</p> <p>9 BY MS. CORBELLO:</p> <p>10 Q. Paragraph 27.</p> <p>11 A. Yes.</p> <p>12 Q. Are you ready?</p> <p>13 A. No. That was yes for acknowledging</p> <p>14 27. Not yes for I've read it.</p> <p>15 Yes, I am now ready.</p> <p>16 Q. I think you said this a couple times</p> <p>17 before, but just to be clear, does Facebook</p> <p>18 currently discriminate based on a user's viewpoint?</p> <p>19 MR. DISHER: Objection to form.</p> <p>20 THE WITNESS: Again, it's a</p> <p>21 definition of viewpoint. If your</p> <p>22 viewpoint is one that violates our</p> <p>23 policies, we will for these purposes</p> <p>24 discriminate you, we will remove your</p> <p>25 content.</p>	<p>136</p> <p>1 "viewpoint" and then gave a few examples, including</p> <p>2 bullying, as a type of viewpoint. So is it</p> <p>3 Facebook's position that under this bill that</p> <p>4 bullying is a viewpoint in and of itself?</p> <p>5 A. What I don't understand is how the</p> <p>6 state of Texas is using viewpoint and what</p> <p>7 constitutes a viewpoint for the purposes of</p> <p>8 complying with this statute.</p> <p>9 So if you tell me that bullying is a</p> <p>10 viewpoint, then I have to make the necessary</p> <p>11 compliance protocols and remove our bullying and</p> <p>12 harassment policies to comply with that. If I'm</p> <p>13 not allowed to discriminate -- and discriminate</p> <p>14 meaning remove content, rank content, demote</p> <p>15 content -- based off of that position -- but I'm</p> <p>16 not creating the term "viewpoint." The term</p> <p>17 "viewpoint" is created by the statute.</p> <p>18 Q. So using the bullying example,</p> <p>19 Facebook currently removes content that qualifies</p> <p>20 as bullying; right?</p> <p>21 A. That qualifies as bullying and</p> <p>22 harassment under our policies; correct. We remove</p> <p>23 that content.</p> <p>24 Q. When looking at content that is</p> <p>25 flagged for that or reviewed for that, for bullying</p>
<p>135</p> <p>1 So, again, if you are a terrorist,</p> <p>2 if you are sharing child things that</p> <p>3 we -- that the statute carves out, but</p> <p>4 also if you're engaged in bullying and</p> <p>5 harassment, if you're sharing personal</p> <p>6 and negative information, if you are</p> <p>7 using -- trying to exploit our platform</p> <p>8 for coordinated activity against a nation</p> <p>9 and their election, if that's a</p> <p>10 viewpoint. We do remove that content and</p> <p>11 we often will remove the actors behind</p> <p>12 that content as well.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. Let's take bullying, for example.</p> <p>15 When you remove content that qualifies as bullying,</p> <p>16 what's the viewpoint, first of all, that you</p> <p>17 believe is at issue there?</p> <p>18 MR. DISHER: Objection to form.</p> <p>19 MR. McCARRICK: Objection to form.</p> <p>20 THE WITNESS: I didn't draft the</p> <p>21 bill. The way that I'm focused on is the</p> <p>22 way that the state of Texas is using that</p> <p>23 viewpoint.</p> <p>24 BY MS. CORBELLO:</p> <p>25 Q. Sorry. You used the term</p>	<p>137</p> <p>1 or harassment, does Facebook focus at all on the</p> <p>2 user's viewpoint?</p> <p>3 MR. DISHER: Object to the form.</p> <p>4 MR. McCARRICK: Object to the</p> <p>5 form.</p> <p>6 THE WITNESS: Again, what I'm</p> <p>7 focused on, I think, is the definition</p> <p>8 under HB 20 of what viewpoint is, which I</p> <p>9 don't understand from HB 20. So if your</p> <p>10 viewpoint is one that I have a position,</p> <p>11 I have a viewpoint of harassing people,</p> <p>12 we would remove that content. And if you</p> <p>13 have egregious violations and repeated</p> <p>14 harassment of people, we would remove you</p> <p>15 from the platform and try to prevent you</p> <p>16 from coming back. So yes, in that</p> <p>17 context.</p> <p>18 BY MS. CORBELLO:</p> <p>19 Q. Maybe it will be easier in an</p> <p>20 example. Let's say you have two pieces of content,</p> <p>21 they both contain the same type of harassment and</p> <p>22 bullying. One is against, just for ease of</p> <p>23 divisiveness, a Trump supporter and one is against</p> <p>24 a Biden supporter. Are those two pieces of</p> <p>25 content, because they qualify under the policy for</p>



<p style="text-align: right;">138</p> <p>1 bullying and harassment, going to be treated the 2 same or differently by Facebook?</p> <p>3 MR. DISHER: Object to the form.</p> <p>4 THE WITNESS: We are agnostic to 5 viewpoints, as I mentioned, whether 6 political, whether religious, ideology. 7 We're not just those viewpoints, unless 8 your ideology is one that's tied to 9 violence. But for those ideologies, we 10 do discriminate.</p> <p>11 Again, for HB 20 I'm unclear as to 12 the viewpoint that the bill means -- I 13 guess now law -- I guess I'm unclear as 14 to what this means vis-a-vis our 15 moderation systems. We are agnostic to 16 that, but if you are implying a 17 definition of viewpoint to that type of 18 content, then that puts us in a bind of 19 having to now upend all of our moderation 20 systems.</p> <p>21 BY MS. CORBELLO: 22 Q. Paragraph 27 mentions graphically 23 violent content. 24 Do you see that? 25 A. I do.</p>	<p style="text-align: right;">140</p> <p>1 broad, so deep wounds, head gashes, things of that 2 nature, may violate our policies depending on how 3 graphic they are. But because of the, perhaps the 4 context on which this happened, the context of the 5 speaker as well, we will then apply, we'll say that 6 actually that's not within the spirit or the intent 7 of the policy; but we recognize that this is so 8 shocking to an individual that if they were just to 9 stumble on it in their news feed that we will place 10 a warning screen over that and label that and say 11 hey, this is graphic. If you want to see it you 12 can click through, but maybe if you're, perhaps, 13 would be disturbed or a bit queasy, you may not 14 want to view this content.</p> <p>15 Q. You mentioned that one of the 16 determining content, graphically violent content is 17 whether it's in the public interest; is that right? 18 A. It's not always about the public 19 interest. That is one factor that we do.</p> <p>20 Q. Why is public interest one of the 21 things that Facebook considers? 22 A. Again, Facebook is a platform for 23 expression. So I think that's kind of the 24 overarching, you know, focus of the platform. I 25 talked about how that's not -- we talked about</p>
<p style="text-align: right;">139</p> <p>1 Q. Does Facebook allow graphically 2 violent content on its platform now?</p> <p>3 A. As often with content on Facebook, 4 it depends.</p> <p>5 Q. What does it depend on?</p> <p>6 A. It depends on how it's shared. Many 7 of our decisions are context-based. For example, 8 me showing a video that is very graphic and maybe 9 objectionable, may satisfy our policies and be 10 removed if it does not have, perhaps, public 11 interest. But if it is in serving the public 12 interest, we may allow that same type of content.</p> <p>13 So as we do that and in certain cases, I 14 think, as this paragraph is meant to do, we 15 describe that we will label that content, label it 16 what we call interstitial, essentially warning 17 screens, so to perhaps remove some of the shocking 18 elements of that content.</p> <p>19 But if you want to see that, an example of 20 this would be there may be someone involved in a 21 protest, a large political protest that is attacked 22 by one side or the other or of the state. Them 23 showing the effects of the attack, perhaps physical 24 effects may violate our policies.</p> <p>25 For example, we have the policies are very</p>	<p style="text-align: right;">141</p> <p>1 safety, we talked about the authenticity and 2 privacy.</p> <p>3 There are certain times that we recognize 4 that our policies are blunt. They are meant to 5 serve a community of 3 billion people. So 6 sometimes they don't have -- they are meant to be 7 very objective in their application so we can 8 remove things like bias and subjectivity from that 9 application.</p> <p>10 That does not always drive the right 11 outcome on certain situations; we recognize that. 12 So in those situations we do look at the public 13 interest as a test to say would the public actually 14 benefit from understanding more about whatever the 15 situation it may be, seeing this type of image for 16 whatever reason.</p> <p>17 Q. So does Facebook consider itself to 18 have influence on the public in any way?</p> <p>19 MR. DISHER: Object to the form.</p> <p>20 MR. McCARRICK: Object to the 21 form.</p> <p>22 THE WITNESS: I don't consider 23 myself to have influence on the public.</p> <p>24 BY MS. CORBELLO: 25 Q. Well, but maybe I asked that a</p>



<p>142</p> <p>1 little unclear. Does Facebook believe itself to</p> <p>2 have any influence, good or bad, on the public</p> <p>3 currently?</p> <p>4 MR. DISHER: Object to the form.</p> <p>5 THE WITNESS: Facebook wants to</p> <p>6 create a product that people find to be</p> <p>7 meaningful, that they come back to the</p> <p>8 product to experience, both social</p> <p>9 connections. So in that sense I hope we</p> <p>10 have a good impact. I don't know if we</p> <p>11 have a feeling. It's a little kind of --</p> <p>12 I'm struggling with the term.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. So from what you just said, it</p> <p>15 sounds like maybe one of the goals of Facebook is</p> <p>16 to have a good influence on the public. Is that</p> <p>17 fair to say?</p> <p>18 MR. DISHER: Object to the form.</p> <p>19 THE WITNESS: We want people to be</p> <p>20 able to use the product to build</p> <p>21 community, to have meaningful</p> <p>22 interactions, meaningful experiences. If</p> <p>23 we qualify those as good, yes, then that</p> <p>24 is a good activity on the platform.</p> <p>25</p>	<p>144</p> <p>1 content that they find on our platform, make a</p> <p>2 decision on that content, whether this is true,</p> <p>3 false, partly true, partly false, context missing.</p> <p>4 At that point we would take action based off of</p> <p>5 their decisions, and we would label that content.</p> <p>6 We would label that content as being, you know,</p> <p>7 this has been found true by a third-party factor,</p> <p>8 this has been found false or it has been cited as</p> <p>9 false by a third-party factor.</p> <p>10 Sorry, I know I'm mumbling. I apologize.</p> <p>11 Q. So far I'm keeping up. How does</p> <p>12 content get to the fact checkers? What's the</p> <p>13 workflow there?</p> <p>14 A. There's a system of automation that</p> <p>15 allows our content that's eligible for fact</p> <p>16 checking to be in queued to fact checkers, and fact</p> <p>17 checkers at that point have the option because a</p> <p>18 third-party -- excuse me -- we don't tell them what</p> <p>19 to fact check. They have total independence on</p> <p>20 picking up essentially what to fact check.</p> <p>21 Now we would love them to fact check things</p> <p>22 that are more viral or they have the potential for</p> <p>23 virality and maybe spread and shared more often</p> <p>24 than, you know, me saying that the Knicks are the</p> <p>25 best basketball team of the '90s. No one, A,</p>
<p>143</p> <p>1 BY MS. CORBELLO:</p> <p>2 Q. The last sentence of paragraph 27</p> <p>3 talks about content determined to be false.</p> <p>4 A. That's correct.</p> <p>5 Q. What does that refer to?</p> <p>6 A. We at Facebook, I guess first it's</p> <p>7 always important to point out that we don't want to</p> <p>8 be the arbiters, we recognize it's probably not</p> <p>9 appropriate for a platform to be the arbiters of</p> <p>10 truth.</p> <p>11 As you can imagine with billions of pieces</p> <p>12 of content as you mentioned earlier posted to</p> <p>13 Facebook that sometimes people will tell -- will</p> <p>14 make misstatements, some will outright potentially</p> <p>15 lie. But there will be a fair amount of posts that</p> <p>16 people disagree with and some would say may contain</p> <p>17 misinformation.</p> <p>18 Because we're not the arbiters of truth, we</p> <p>19 partner with a third-party fact checking network,</p> <p>20 it's about 80 media companies globally. They</p> <p>21 subscribe to a third-party entity called the</p> <p>22 Poynter International Fact Checking Network. If</p> <p>23 they're accepted with the known ethical standards</p> <p>24 to meet the Poynters threshold, they are eligible</p> <p>25 to act as a fact-checking partner to then review</p>	<p>145</p> <p>1 either believes it, but also it's so -- it's both</p> <p>2 inconsequential and not going to reach a lot of</p> <p>3 people that we probably shouldn't invest their time</p> <p>4 debunking those claims. But if there are claims</p> <p>5 that are much more consequential with the level of</p> <p>6 morality, we would like them to focus the issue --</p> <p>7 they are independent so they get to also -- they</p> <p>8 obviously have a say in what they focus on, and</p> <p>9 they choose.</p> <p>10 And part of the calculus that they must do</p> <p>11 is would they have the ability to actually fact</p> <p>12 check. So they have to go through their standards</p> <p>13 and, you know, whether it's writing an article,</p> <p>14 investigating, whatever those things are. They</p> <p>15 have to go through their standards to meet and make</p> <p>16 a decision.</p> <p>17 Q. So you talked about the content</p> <p>18 getting queued for their review. Is it an</p> <p>19 algorithm within Facebook's systems that queues</p> <p>20 those pieces of content?</p> <p>21 A. It is algorithm informed by people.</p> <p>22 Q. The first look is it's either</p> <p>23 algorithm or human in Facebook and then it goes</p> <p>24 into a queue for the outside fact checkers?</p> <p>25 A. Broadly speaking, yes. There are</p>

<p style="text-align: right;">146</p> <p>1 likely some additions. If content has been  2 previously fact checked by a fact checker before it  3 appears on Facebook, there are different mechanisms  4 on how that would apply, but broadly speaking, yes.  5 Q. So once the algorithms are in the  6 queue, is that when the fact checkers have the  7 autonomy to essentially pick what they want to  8 review?  9 A. I'm going to ask you to reframe,  10 because I think you mean the content in the queue.  11 Q. I'm sorry, the content in the queue,  12 once it's in the queue, is that when the fact  13 checkers -- I think you talked a moment ago about  14 them being able to essentially select what they  15 want to review. Is that when that occurs?  16 A. Broadly, yes.  17 Q. And is there any -- what's the  18 review of the fact checkers' review once it heads  19 back to Facebook?  20 A. There's limited review at that  21 point. The one thing we do take measure on, we  22 have instructed fact checkers to take measure on  23 ensuring that fact checkers aren't reviewing  24 opinion content. That gets very in depth because  25 opinion could be based on underlying incorrect or</p>	<p style="text-align: right;">148</p> <p>1 Likewise, because they are independent they  2 may have fact checked it on their own, but we would  3 not at that point apply a label on Facebook. What  4 happens -- if you're the AP, what happens on the  5 AP's site, if they use it, if they share it out  6 with another social media company that does apply a  7 similar fact checking or labeling of authoritative  8 information or sources, model, I can't speak to.  9 Q. Who at Facebook is making that  10 determination about potentially an opinion sort of  11 content getting mixed in with the fact-checking  12 content?  13 A. We're -- sorry. I'll take a pause.  14 We have a broad team of people that work on these  15 issues. But broadly speaking, again, it's the same  16 group of individuals that we've been discussing  17 today, the policy team, the integrity team and the  18 operations team.  19 Q. So there's not one group that's  20 reviewing all of these for potential opinions in  21 the content?  22 A. I don't know the name of the  23 specific group that helps you to do that on a daily  24 basis.  25 Q. Okay. Paragraph 29. Go ahead and</p>
<p style="text-align: right;">147</p> <p>1 already fact-checked information where we would  2 have a certain approach.  3 But if it's just someone's opinion, we're  4 not -- the fact checkers are not meant to fact  5 check someone's opinion. It's hard to tell someone  6 that their opinion is misinformation. So that is  7 how broadly it works.  8 Again, it's important to note that their  9 standards that are set out by that international  10 body, that Poynter Network, is what they need to  11 subscribe to and fulfill the standards of applying  12 a fact-checking rating to any content.  13 Q. So the screening that happens to  14 determine whether an opinion was inappropriately  15 reviewed by the fact checkers, that happens after  16 the fact checkers have first looked through it?  17 A. It may be simultaneously in certain  18 situations with the underlying -- as you can  19 imagine, some of these are longer pieces where they  20 are being queued, and simultaneously someone might  21 say, actually that is -- after reading it that is  22 actually opinion that should not be eligible for  23 in-queuing. So we'll make the decision to perhaps  24 remove it. A fact checker may in the interim pick  25 it up to fact check it.</p>	<p style="text-align: right;">149</p> <p>1 let me know when you're done reviewing that.  2 A. Sure. (Witness complies with  3 request.) Yes.  4 Q. Where in HB 20 does it require  5 Facebook to give the information you talk about in  6 paragraph 29 in any specific way?  7 A. Sure.  8 MR. DISHER: Objection to form.  9 MR. McCARRICK: Object to the  10 form.  11 THE WITNESS: I believe it's  12 Chapter 143A is the broad disclosure  13 chapter.  14 BY MS. CORBELLO:  15 Q. Is there a point zero zero  16 something?  17 A. Okay, I'll find that.  18 Q. I think you're looking at the bottom  19 of the first page.  20 A. Actually, you know what, I misspoke.  21 What I was focused on rewriting that was actually  22 120 -- Section 120.051.  23 Q. So where in this section does it  24 require Facebook to provide the information that it  25 wants disclosed in any specific way or format?</p>

<p style="text-align: right;">150</p> <p>1 MR. DISHER: Objection to form.</p> <p>2 THE WITNESS: Can you repeat the</p> <p>3 question, please.</p> <p>4 BY MS. CORBELLO:</p> <p>5 Q. Sure. In the section you just</p> <p>6 identified, 120.051 --</p> <p>7 A. Correct.</p> <p>8 Q. -- where in this section does HB 20</p> <p>9 require the categories that you describe in</p> <p>10 paragraph 29? Does it require those categories to</p> <p>11 be disposed in any specific way or format?</p> <p>12 MR. DISHER: Objection, form.</p> <p>13 THE WITNESS: I think between 120,</p> <p>14 Section 120.051A, 1 through 5.</p> <p>15 BY MS. CORBELLO:</p> <p>16 Q. Let's take one, for example. Number</p> <p>17 1, A1 says, "Curates and target content to users."</p> <p>18 Where in that sentence does it provide that</p> <p>19 product to be provided in a specific way, in that</p> <p>20 format?</p> <p>21 MR. DISHER: Objection to form.</p> <p>22 MR. McCARRICK: Objection to form.</p> <p>23 THE WITNESS: On your question, I</p> <p>24 think I'm referring to as you look at</p> <p>25 1200.51A, if we can take a slight step</p>	<p style="text-align: right;">152</p> <p>1 A. That's correct.</p> <p>2 Q. Does that in any way indicate to you</p> <p>3 the way in which that specific information needs to</p> <p>4 be presented?</p> <p>5 MR. DISHER: Objection, form.</p> <p>6 THE WITNESS: It does not.</p> <p>7 BY MS. CORBELLO:</p> <p>8 Q. What about 2 through 5, is there any</p> <p>9 indication of how that information, specific</p> <p>10 information needs to be presented?</p> <p>11 MR. DISHER: Objection, form.</p> <p>12 THE WITNESS: It does not.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. Paragraph 29, we'll start with I,</p> <p>15 where it talks about curating and targeting content</p> <p>16 to users, also A1?</p> <p>17 A. Correct.</p> <p>18 Q. What is -- what would be -- what are</p> <p>19 the specifics as to how this requirement would be</p> <p>20 burdensome to Facebook were it to have to comply?</p> <p>21 A. I don't understand what the</p> <p>22 specifics of the bill is asking for in this.</p> <p>23 That's a huge burden. Without understanding</p> <p>24 specifics, we at Facebook have a way about showing</p> <p>25 our transparency.</p>
<p style="text-align: right;">151</p> <p>1 back. The sentence that begins "Social</p> <p>2 media platform shall," skipping forward,</p> <p>3 accurate information regarding its</p> <p>4 content management, data management,</p> <p>5 business practices including specific</p> <p>6 information regarding and then a list of</p> <p>7 1 through 5, curates, targets, places,</p> <p>8 promotes, moderates and users search and</p> <p>9 ranking.</p> <p>10 BY MS. CORBELLO:</p> <p>11 Q. So where it says specific</p> <p>12 information, what in that phrase requires Facebook</p> <p>13 to provide that information in any specific way or</p> <p>14 format?</p> <p>15 MR. DISHER: Objection, form.</p> <p>16 THE WITNESS: It's a specific -- I</p> <p>17 think I'm focused on the specific</p> <p>18 information that you're requesting. It</p> <p>19 doesn't provide information on what the</p> <p>20 specific information being requested is.</p> <p>21 BY MS. CORBELLO:</p> <p>22 Q. So HB 20 it looks like in this</p> <p>23 sentence requires specific information on, for</p> <p>24 example, number one, curating and targeting content</p> <p>25 to users; right?</p>	<p style="text-align: right;">153</p> <p>1 I don't know the specifics of what this</p> <p>2 bill is asking for and whether that infringed upon</p> <p>3 business secrets or how our algorithm works. There</p> <p>4 are things that we are extremely transparent about,</p> <p>5 standards, for example, the rules, we're very</p> <p>6 transparent about those. But there are other</p> <p>7 things that regulate business concerns that you're</p> <p>8 not entitled to, how the algorithm ranks content,</p> <p>9 for example.</p> <p>10 Q. Does Facebook's current transparency</p> <p>11 reports include information about how it curates</p> <p>12 and targets content to users?</p> <p>13 A. We do have public-facing posts that</p> <p>14 talk about broadly the curation. Again, I think</p> <p>15 the specificity that would be required is an</p> <p>16 important element of what is required and how we</p> <p>17 would be able to comply.</p> <p>18 Q. And what's the point of providing a</p> <p>19 report as to how, even in broad terms, as to how</p> <p>20 Facebook curates and targets content to users?</p> <p>21 MR. DISHER: Objection, form.</p> <p>22 THE WITNESS: Can you repeat the</p> <p>23 question.</p> <p>24 BY MS. CORBELLO:</p> <p>25 Q. What's the point of any transparency</p>

<p>154</p> <p>1 report or broad posting as to how Facebook curates 2 and targets content to users? Why is Facebook 3 making that public information now? 4 MR. DISHER: Objection, form. 5 THE WITNESS: We would like to 6 give people as much information to make 7 informed decisions about how to use the 8 platform. 9 BY MS. CORBELLO: 10 Q. If you can look just right below 11 where we were just talking about, subsection B of 12 Section 120.051. 13 A. Uh-huh. 14 Q. Do you see that it says, "The 15 disclosure required by subsection A must be 16 sufficient to enable users to make an informed 17 choice regarding the purchase of or use of access 18 to or services from the platform"? 19 A. I do. 20 Q. Do Facebook's transparency reports 21 currently provide users sufficient information to 22 make an informed choice regarding the platform 23 they're using? 24 MR. DISHER: Object to the form. 25 MR. McCARRICK: Object to the</p>	<p>156</p> <p>1 that means? 2 MR. DISHER: Objection, form. 3 THE WITNESS: That is not what I 4 said. I also flagged that there may be 5 like proprietary information depending on 6 what is required from there. 7 BY MS. CORBELLO: 8 Q. What would be the other burdens of 9 complying with subsection A1? 10 A. I think there are a few other 11 burdens. One that jumps out to mind also is that 12 in many of the spaces that we work to moderate 13 content they are, quote/unquote, adversarial spaces 14 where people will seek to game the systems that are 15 placed upon them. Game the regulations to skirt 16 enforcement. Broad enforcement, specific 17 enforcement are seen as specific disclosures on 18 certain ways or on ways that the system is used can 19 also jeopardize the way -- the effectiveness of our 20 content moderation abilities. 21 Q. Are there any other burdens you can 22 think of that would -- that Facebook could endure 23 if it had to comply with subsection A1? 24 A. Broadly speaking just the investment 25 of resources. I have no -- I don't know the exact</p>
<p>155</p> <p>1 form. 2 THE WITNESS: I don't know what 3 the definition of "informed choice" under 4 the Texas law is. It doesn't define it. 5 I know what we try to do at Facebook. At 6 Facebook we try to give users information 7 to make those choices. Again, what I 8 don't understand or I can't articulate 9 here or maybe what is not articulated is 10 what informed choice means to the state 11 of Texas. 12 BY MS. CORBELLO: 13 Q. Well, as to how Facebook views it. 14 Does Facebook believe that it's currently providing 15 adequate information for users to make informed 16 decisions? 17 A. We believe that we're providing 18 adequate information based off of our standards and 19 our rules. I don't know if that complies with or 20 would satisfy the elements of this statute. 21 Q. So going back to my question a few 22 minutes ago, the first requirement of subsection 23 A1, curating and targeting content to users, is it 24 your testimony that the only burden with complying 25 with that is simply Facebook being unaware of what</p>	<p>157</p> <p>1 investment of resources. I know how detailed -- we 2 were speaking to earlier about how the data is 3 necessary -- the data needed to produce an 4 enforcement to report in the time it takes to do so 5 on transparency measures there. I would assume 6 that investments would rival for other transparency 7 issues. 8 Q. What does it cost to create the 9 current transparency reports that happen quarterly? 10 A. Again, I don't have a specific line 11 item that. I don't have a line item number, but I 12 have the macro number, and that goes into that 13 13 billion where we are spending \$13 billion since 14 2016 on that specific place, including increasing 15 the size of our company, measurably now 40,000 16 people working in that space, which is the majority 17 of the company working. 18 Q. Has anyone done the math on how much 19 money would have to be added to that 13 billion 20 figure if HB 20 were to go into effect? 21 MR. DISHER: Object to the form. 22 MR. McCARRICK: Object to the 23 form. 24 THE WITNESS: I have not done the 25 math. I haven't done the math. I can't</p>

<p>158</p> <p>1 speak to what our finance teams have been</p> <p>2 able to calculate.</p> <p>3 BY MS. CORBELLO:</p> <p>4 Q. Who would be the best person to ask</p> <p>5 that question?</p> <p>6 A. Our chief financial officer is David</p> <p>7 Weiner. But I don't think if he knows offhand</p> <p>8 either.</p> <p>9 Q. Subsection A2, places and promotes</p> <p>10 content services and products including its own</p> <p>11 content services and products. What burdens would</p> <p>12 Facebook have to endure if it were to disclose the</p> <p>13 information in subsection A2?</p> <p>14 MR. DISHER: Objection to form.</p> <p>15 THE WITNESS: Again, these -- this</p> <p>16 is part of -- it's very, I guess,</p> <p>17 attached to one. And this goes to -- in</p> <p>18 my mind goes towards the ranking</p> <p>19 algorithms and how we prioritize and in</p> <p>20 certain cases deprioritize content within</p> <p>21 one's news feed, how we surface</p> <p>22 recommendations to an individual. All</p> <p>23 these things do have -- I'll start there,</p> <p>24 they have a level of proprietary business</p> <p>25 secret with that as well as -- and we've</p>	<p>160</p> <p>1 performance data." I think that</p> <p>2 definition would be important to</p> <p>3 understand before I can comment. It</p> <p>4 sounds very taxing on that. Broadly for</p> <p>5 1, 2, 3 and 4, though, I think those are</p> <p>6 primarily the same at which the</p> <p>7 investments that we have made, the ways</p> <p>8 that we moderate content also potentially</p> <p>9 harming the safety of our users and the</p> <p>10 safety of the environment that we want to</p> <p>11 have on Facebook.</p> <p>12 BY MS. CORBELLO:</p> <p>13 Q. Any other burdens you can think of</p> <p>14 associated with having to comply with subsection A1</p> <p>15 through 5?</p> <p>16 MR. DISHER: Objection to form.</p> <p>17 THE WITNESS: If the subsections</p> <p>18 were to change the way that we moderate</p> <p>19 content and change the way that we can</p> <p>20 provide a safe environment for our users,</p> <p>21 it has the potential of driving users off</p> <p>22 the platform. We spoke about that</p> <p>23 earlier. It has the potential of driving</p> <p>24 advertisers from our platform, and we</p> <p>25 spoke about that earlier as well.</p>
<p>159</p> <p>1 seen this in a number of spaces too, as</p> <p>2 more information about the algorithm</p> <p>3 becomes available, people in an</p> <p>4 adversarial space may try to exploit the</p> <p>5 algorithm.</p> <p>6 Sometimes that is for harm,</p> <p>7 foreign interference, terrorist content.</p> <p>8 Sometimes it is for also harmful content,</p> <p>9 but maybe not as gray but like as</p> <p>10 spammers and scammers to get you to</p> <p>11 engage more likely to bait you into</p> <p>12 things, to drive you off of our platform</p> <p>13 to other platforms where more harmful</p> <p>14 activity can occur.</p> <p>15 BY MS. CORBELLO:</p> <p>16 Q. Maybe, let's take the time, let's do</p> <p>17 this. Subsections A1 through 5, we've talked about</p> <p>18 a few burdens as they relate to subsections 1 and</p> <p>19 2. Would you say that those burdens we've talked</p> <p>20 about are the same for complying with subsections</p> <p>21 A3, 4 and 5 as well, or are there any additional</p> <p>22 burdens?</p> <p>23 MR. DISHER: Objection to form.</p> <p>24 THE WITNESS: Yeah. On 5 I really</p> <p>25 don't understand what we mean by "user</p>	<p>161</p> <p>1 BY MS. CORBELLO:</p> <p>2 Q. Subsection A1 through 5 is about the</p> <p>3 disclosures that Facebook has to make; right?</p> <p>4 MR. DISHER: Objection, form.</p> <p>5 THE WITNESS: That is correct.</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. Okay. So is it your testimony that</p> <p>8 one of the burdens with having to disclose this</p> <p>9 information is that it will drive users away?</p> <p>10 A. My testimony is that I don't</p> <p>11 understand what specific information about</p> <p>12 disclosures means in this context. If we are</p> <p>13 disclosing with such a level of specificity that</p> <p>14 people can then now subvert our policies where they</p> <p>15 can post more harmful content, the logical</p> <p>16 conclusion in my mind at least is that that creates</p> <p>17 an unsafe environment because now they have</p> <p>18 subverted our moderation systems which means users</p> <p>19 may not find it safe.</p> <p>20 They tend to go off, users go off,</p> <p>21 advertisers and their brand safety concerns, they</p> <p>22 would persist as well. And so that's where I have,</p> <p>23 you know, specific concerns. We have seen that in</p> <p>24 the past where groups of users have intended to</p> <p>25 subvert our systems, YouTube systems, other social</p>

<p>162</p> <p>1 media platforms based off of transparent -- about 2 knowledge about how those systems work. So that 3 level of specificity again really matters here. 4 Q. And I understand Facebook might 5 think that there are secondary effects of having to 6 comply with disclosures, but in terms of the 7 disclosures themselves, having to gather this data 8 and present it, what are the specific burdens 9 associated with that? 10 MR. DISHER: Objection, form. 11 THE WITNESS: I think, as I think 12 I've explained those, explained those 13 again about the burden for actually 14 gathering the investments needed to do 15 so, the potential for harm that may come 16 within disclosing this where those 17 systems can be gamed. 18 BY MS. CORBELLO: 19 Q. Does the fact that users might leave 20 the site as a result of any of these categories 21 being disclosed, does that alter in any way 22 Facebook's ability to report on any of these 23 categories? 24 MR. DISHER: Objection, form. 25 THE WITNESS: May I ask you to</p>	<p>164</p> <p>1 MR. DISHER: Object to the form. 2 THE WITNESS: May I ask about what 3 subjects? 4 BY MS. CORBELLO: 5 Q. Well, HB 20 requires the certain 6 sorts of disclosures that we just talked about. 7 Are there any other laws or regulations that 8 Facebook abides by that would require it to provide 9 information regarding or related to content 10 moderation? 11 MR. ALLEN: Object to the form. 12 THE WITNESS: In the context of 13 moderation specifically, I'm not sure. 14 BY MS. CORBELLO: 15 Q. Are there any reporting requirements 16 in relation to user retention? 17 MR. DISHER: Object to the form. 18 THE WITNESS: I'm not sure. 19 BY MS. CORBELLO: 20 Q. Are there any reporting requirements 21 in terms of gathering users' data? 22 MR. DISHER: Object to the form. 23 THE WITNESS: I'm not a privacy 24 lawyer, so I can't speak to what the 25 requirements are.</p>
<p>163</p> <p>1 repeat that question one more time. 2 BY MS. CORBELLO: 3 Q. Sure. Does the fact that -- let's 4 just assume for the sake of this question that 5 users might leave the platform as a result, 6 secondary result of having to disclose this 7 information, does that make any of this information 8 impossible for Facebook to compile and disclose? 9 MR. DISHER: Objection, form. 10 THE WITNESS: I can't really 11 comment on possibility. That's like a 12 hard one, whether it's possible or 13 impossible. 14 I do think it would be very 15 difficult for us to, based off of what I 16 said, without understanding what the 17 specific information in this context 18 means. It would be very, very difficult 19 and burdensome for us to comply with the 20 law. 21 BY MS. CORBELLO: 22 Q. Other than the transparency 23 reporting that Facebook provides on its website, 24 what other reporting obligations does it currently 25 have?</p>	<p>165</p> <p>1 BY MS. CORBELLO: 2 Q. Are there any reporting requirements 3 as it relates to advertiser retention? 4 MR. DISHER: Object to the form. 5 THE WITNESS: I don't know. I 6 also -- are you saying reporting 7 requirements for Facebook or meaning a 8 government's reporting requirements? I 9 don't know either way, but I'm just 10 curious. 11 BY MS. CORBELLO: 12 Q. Yes. Any sort of government, 13 international or domestic. 14 A. I don't know. 15 MR. ALLEN: Object to the form. 16 THE WITNESS: I don't know. 17 BY MS. CORBELLO: 18 Q. Paragraph 30. Let me know when 19 you're done. 20 A. Yes. 21 Q. What provision of HB 20 is 22 paragraph 30 talking about? This is about the 23 disclosure requirements; right? 24 A. Right, right. 25 Q. I believe it's page 2 of the HB 20</p>



<p>166</p> <p>1 text.</p> <p>2 A. Okay.</p> <p>3 Q. 120.051 subsection B. Is that where</p> <p>4 you pulled this quote from in Paragraph 30?</p> <p>5 A. I believe so.</p> <p>6 Q. So subsection B is talking about the</p> <p>7 requirement for what gets disclosed, correct, by</p> <p>8 Facebook?</p> <p>9 A. About the essential use policy, yes.</p> <p>10 Q. Is it your understanding that</p> <p>11 subsection B applies to how Facebook's Terms of</p> <p>12 Service and community standards must be created or</p> <p>13 worded?</p> <p>14 MR. DISHER: Objection, form.</p> <p>15 THE WITNESS: Repeat the question.</p> <p>16 BY MS. CORBELLO:</p> <p>17 Q. Sure. Maybe I'll ask it like this.</p> <p>18 Correct me if I'm wrong, paragraph 30 talks about</p> <p>19 Facebook publishing its own Terms of Service and</p> <p>20 community standards and then says that the bill</p> <p>21 doesn't understand what Facebook's -- how</p> <p>22 Facebook's editorial policies must be sufficient to</p> <p>23 enable users to make an informed choice.</p> <p>24 Is paragraph 30 essentially saying that its</p> <p>25 Terms of Service and community standards are</p>	<p>168</p> <p>1 that Facebook has are somehow impacted by</p> <p>2 subsection B of Section 120.051?</p> <p>3 MR. DISHER: Objection to form.</p> <p>4 THE WITNESS: For our policies,</p> <p>5 for our community standards what I'm</p> <p>6 reading it as what you're saying as the</p> <p>7 acceptable use policy. To reasonably</p> <p>8 inform the definition of what would be</p> <p>9 suffer to reasonably inform someone may</p> <p>10 be different than what we use when we</p> <p>11 consider our objectives of transparency</p> <p>12 around our policies.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. Well, if you go to the next section,</p> <p>15 Section 120.052, that's the acceptable use policy;</p> <p>16 right?</p> <p>17 A. Correct.</p> <p>18 Q. Is there anything in that section</p> <p>19 that requires the policy to be sufficient to enable</p> <p>20 users to make an informed choice regarding the</p> <p>21 purchase of or ease of access to or services from</p> <p>22 the platform?</p> <p>23 MR. DISHER: Objection. Form.</p> <p>24 THE WITNESS: Again, the way that</p> <p>25 I read the community standards, Terms of</p>
<p>167</p> <p>1 dictated by subsection B?</p> <p>2 MR. DISHER: Object to the form.</p> <p>3 MR. McCARRICK: Object to the</p> <p>4 form.</p> <p>5 THE WITNESS: I think under the</p> <p>6 way subsection B is framing the essential</p> <p>7 use policy, I think you would be in a</p> <p>8 better position to explain exactly what</p> <p>9 that all entails. But yes, that our</p> <p>10 community standards the way that we</p> <p>11 enforce content moderation, those</p> <p>12 editorial policies that we -- that these</p> <p>13 things would be in conflict.</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. Well, subsection B talks about the</p> <p>16 disclosure required by subsection A; correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Does it say anything about the</p> <p>19 accessible use policy that would be in a different</p> <p>20 section of HB 20?</p> <p>21 MR. DISHER: Objection. Form.</p> <p>22 THE WITNESS: I don't see it here.</p> <p>23 BY MS. CORBELLO:</p> <p>24 Q. So what's your basis for stating</p> <p>25 that the Terms of Service and community standards</p>	<p>169</p> <p>1 Service vis-a-vis acceptable use policies</p> <p>2 in the provisions in I guess B as well as</p> <p>3 subsection 10 -- 120.052(b)(1),</p> <p>4 sufficiently inform reasonably informed,</p> <p>5 I just don't have the definition of what</p> <p>6 you all consider to be those policies.</p> <p>7 BY MS. CORBELLO:</p> <p>8 Q. Well, maybe my question wasn't</p> <p>9 clear. In the acceptable use policy</p> <p>10 Section 120.052 specifically, is there anywhere in</p> <p>11 that section that requires the policy to be</p> <p>12 sufficient to enable users to make an informed</p> <p>13 choice regarding the purchase of or ease of access</p> <p>14 to or services from the platform?</p> <p>15 MR. DISHER: Objection. Form.</p> <p>16 THE WITNESS: In the way that</p> <p>17 section is used and the content, my</p> <p>18 reading of 120.05 to be -- the social</p> <p>19 media platform's accountable use policies</p> <p>20 must be reasonably informed. Maybe I</p> <p>21 incorporated the word "sufficient" as</p> <p>22 well, but that reasonably informed is</p> <p>23 what I don't understand what you mean by</p> <p>24 reasonably. What the state means by</p> <p>25 reasonably informed versus what we do</p>

<p>170</p> <p>1 when we are transparent about our</p> <p>2 policies. We're very transparent, we</p> <p>3 include our community standards. It does</p> <p>4 not mean that those meet any standard</p> <p>5 that the state of Texas is holding out.</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. Is there a reason you didn't quote</p> <p>8 Section 120.052 subsection (b)(1) in Paragraph 30?</p> <p>9 MR. McCARRICK: Objection. Form.</p> <p>10 THE WITNESS: I can't recall.</p> <p>11 BY MS. CORBELLO:</p> <p>12 Q. Paragraph 31.</p> <p>13 A. Yes.</p> <p>14 Q. So the first sentence there talks</p> <p>15 about although Facebook's detailed policies are</p> <p>16 publicly available, the bill purports to demand</p> <p>17 even more.</p> <p>18 What are you referring to when you say</p> <p>19 "purports to demand even more"?</p> <p>20 A. Sure. I'm looking for the specific</p> <p>21 section. I think, again, it goes back to the</p> <p>22 specifics of 120. I had a -- I wish I had a</p> <p>23 different -- underlining is making it a little</p> <p>24 difficult on my eyes to try to read it through, to</p> <p>25 try to go through, but I thought I recalled the</p>	<p>172</p> <p>1 There may be additional proprietary information in</p> <p>2 regards to Facebook.</p> <p>3 Q. We talked a little bit in this</p> <p>4 deposition about how the algorithms worked broadly;</p> <p>5 correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Is what you told me considered</p> <p>8 proprietary information?</p> <p>9 A. Broadly no, but, and I don't know if</p> <p>10 I know all the proprietary information. I'm not an</p> <p>11 engineer.</p> <p>12 Q. In the subsection you pointed to, it</p> <p>13 says, "Algorithms or procedures that determine</p> <p>14 results on the platform."</p> <p>15 Do you see that "or"?</p> <p>16 MR. DISHER: In your declaration.</p> <p>17 Q. In your declaration.</p> <p>18 A. Yes.</p> <p>19 Q. Did that "or" indicate to you that</p> <p>20 Facebook is required to provide its algorithms to</p> <p>21 comply with HB 20?</p> <p>22 MR. DISHER: Objection. Form.</p> <p>23 THE WITNESS: I believe it is a</p> <p>24 non or it is an exclusive "or." So it</p> <p>25 could be either at the same time</p>
<p>171</p> <p>1 provision that it required specific, specific</p> <p>2 notifications also on instances. But those may be</p> <p>3 conflating two things at this point.</p> <p>4 Q. Let's go to paragraph 32.</p> <p>5 A. Sure. Yes.</p> <p>6 Q. What's the basis for your claim that</p> <p>7 Facebook is required by HB 20 to disclose highly</p> <p>8 confidential or competitively sensitive business</p> <p>9 information?</p> <p>10 MR. DISHER: Objection, form.</p> <p>11 THE WITNESS: Under</p> <p>12 subsection 120.051 again, the public</p> <p>13 disclosure requirement, I believe the</p> <p>14 information that we would be required to</p> <p>15 disclose on it, information targeting,</p> <p>16 place and promoting content are all</p> <p>17 things that could be viewed as highly</p> <p>18 sensitive business and proprietary</p> <p>19 information.</p> <p>20 BY MS. CORBELLO:</p> <p>21 Q. Is that -- are you referring to the</p> <p>22 algorithms as the proprietary information, or is</p> <p>23 there something else that would be considered</p> <p>24 proprietary by Facebook?</p> <p>25 A. I'm speaking to the algorithms.</p>	<p>173</p> <p>1 procedures that inform the algorithm.</p> <p>2 Again, I'm not an engineer so I don't</p> <p>3 know how you would be able to necessarily</p> <p>4 derive, but I know that is definitely a</p> <p>5 concern.</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. Well, the discussion we had earlier</p> <p>8 was -- were those not about the procedures that</p> <p>9 determined the results on the platform?</p> <p>10 MR. DISHER: Objection. Form.</p> <p>11 THE WITNESS: There were some of</p> <p>12 the procedures but definitely not</p> <p>13 wholesome.</p> <p>14 BY MS. CORBELLO:</p> <p>15 Q. It wasn't all the procedures; right?</p> <p>16 MR. DISHER: Objection, form.</p> <p>17 THE WITNESS: I do not know all</p> <p>18 the procedures.</p> <p>19 BY MS. CORBELLO:</p> <p>20 Q. But we did talk about some of the</p> <p>21 procedures that determine the results on the</p> <p>22 platform; right?</p> <p>23 A. Broadly speaking, we spoke about</p> <p>24 some procedures.</p> <p>25 Q. Paragraph 33.</p>

<p style="text-align: right;">174</p> <p>1 A. Can I have a moment?</p> <p>2 Q. Sure.</p> <p>3 A. Yes.</p> <p>4 Q. Going to the first bullet point in</p> <p>5 Paragraph 33, what is the substantial investment of</p> <p>6 time that would have to be done by Facebook in</p> <p>7 order to comply with this bullet point.</p> <p>8 A. This is another example of without</p> <p>9 knowing exactly the specificity of what is required</p> <p>10 by the law on what the law is requiring the</p> <p>11 companies to provide the user, it's hard to</p> <p>12 explain.</p> <p>13 Facebook currently gives a very, you know,</p> <p>14 broad violation type, you violated, you post</p> <p>15 something of hate speech, we violate it for hate</p> <p>16 speech. It may not go much further than that. The</p> <p>17 specificity required by the law is very detailed to</p> <p>18 include essentially what we may be colloquially</p> <p>19 almost a legal opinion on why this is violating.</p> <p>20 That would create immense burdens.</p> <p>21 Q. Do you see the first sentence of</p> <p>22 paragraph 33 you say, "The bullet points below</p> <p>23 describe certain requirements under HB 20 that</p> <p>24 would require a substantial investment of time and</p> <p>25 resources to comply."</p>	<p style="text-align: right;">176</p> <p>1 resources are not available, we do not</p> <p>2 have the engineering capacity to do so,</p> <p>3 the investments may be too burdensome.</p> <p>4 BY MS. CORBELLO:</p> <p>5 Q. So how much more time and resources</p> <p>6 would be required for Facebook to comply with</p> <p>7 bullet point 1?</p> <p>8 A. I do not have a specific time or</p> <p>9 resource.</p> <p>10 Q. For bullet point 2, how much time or</p> <p>11 resources would have to be invested into by</p> <p>12 Facebook in order to comply?</p> <p>13 A. I don't have specific numbers</p> <p>14 invested of people nor resources. We explained</p> <p>15 through the CSCR in how that process works today,</p> <p>16 the incredible investment that team makes.</p> <p>17 Q. For bullet point 3, how much time</p> <p>18 and resources would Facebook have to invest in in</p> <p>19 order to comply with bullet point 3?</p> <p>20 A. Again, I think that would be</p> <p>21 substantial. As we spoke to the appeals process</p> <p>22 earlier, the current appeals process in some of the</p> <p>23 just created -- or excuse me, natural issues that</p> <p>24 have been inserted into the appeals process for us,</p> <p>25 a way of saying the COVID-19 pandemic and the</p>
<p style="text-align: right;">175</p> <p>1 That's what you attested to; right?</p> <p>2 MR. DISHER: Object to the form.</p> <p>3 THE WITNESS: I did.</p> <p>4 BY MS. CORBELLO:</p> <p>5 Q. So having attested that these</p> <p>6 figurative bullet points are going to require</p> <p>7 substantial investment of time and resources, what</p> <p>8 in bullet point 1 would require more investment of</p> <p>9 time and resources?</p> <p>10 MR. DISHER: Object to the form.</p> <p>11 THE WITNESS: The time and</p> <p>12 resources it takes for us today to enact</p> <p>13 the procedures and the systems, again, go</p> <p>14 back to that 13 -- excuse me -- billion</p> <p>15 dollar number, go back to the 40,000</p> <p>16 people. Any change in that is going to</p> <p>17 be a potentially very consequential,</p> <p>18 consequential change.</p> <p>19 Predicting out that my experience</p> <p>20 with having changes inputted to gain more</p> <p>21 specificity on certain things, to have</p> <p>22 better clarity on, better clarity on</p> <p>23 abuse types, these things are issues that</p> <p>24 we have not been able to achieve because</p> <p>25 of what I have been told because the</p>	<p style="text-align: right;">177</p> <p>1 impacts that we have there, I don't have a specific</p> <p>2 number on how we would, the size of the workforce</p> <p>3 that we would need to build out to meet the</p> <p>4 structures of this.</p> <p>5 Q. These three bullet points here, are</p> <p>6 these all tasks that you, Neil Potts, would be</p> <p>7 required to perform if HB 20 went into effect?</p> <p>8 MR. DISHER: Object to the form.</p> <p>9 THE WITNESS: Personally? I would</p> <p>10 not personally be required to perform it,</p> <p>11 but I work with a cross-functional manner</p> <p>12 with the teams on these issues.</p> <p>13 BY MS. CORBELLO:</p> <p>14 Q. Are these bullet points ones in</p> <p>15 which the team that you are the vice president of</p> <p>16 be tasked with performing if HB 20 went into</p> <p>17 effect?</p> <p>18 A. I'm struggling a bit to -- as you</p> <p>19 say "task," when you mean task, to execute, who was</p> <p>20 the -- how are you defining "execute" in that</p> <p>21 situation?</p> <p>22 Q. Well, each bullet point talks about</p> <p>23 certain actions that Facebook would have to</p> <p>24 undertake under HB 20; right?</p> <p>25 A. Yes.</p>

<p>178</p> <p>1 Q. Are any of these actions ones you</p> <p>2 describe in which your team would be taking in</p> <p>3 order to comply?</p> <p>4 A. We work in a very cross-functional</p> <p>5 manner, so we advise, we seek input from external</p> <p>6 sources for those things that my team handles. We</p> <p>7 are not coders, we are not engineers. We do not</p> <p>8 necessarily build the product. That is another</p> <p>9 team. But those teams can't operate in a divorce</p> <p>10 completely bifurcated. You can't have a team build</p> <p>11 a product without knowing what they were doing.</p> <p>12 You can't have a team that has no coding experience</p> <p>13 go out and actually code a new version of Facebook.</p> <p>14 Q. So this substantial investment of</p> <p>15 time and resources that you attest to is not solely</p> <p>16 those that would be invested by your team; is that</p> <p>17 right?</p> <p>18 A. It's for Facebook. It's for the</p> <p>19 Facebook's investment of resources.</p> <p>20 Q. So given that these are investments</p> <p>21 of time and resources from people other than those</p> <p>22 within your team, who did you speak to in order to</p> <p>23 attest to these three bullet points?</p> <p>24 A. Again, the group of integrity,</p> <p>25 integrity professionals, the engineers. Also the</p>	<p>180</p> <p>1 confident of expressing that it's</p> <p>2 impossible, we would not be able to</p> <p>3 change systems in that nature.</p> <p>4 More broadly speaking, it would be</p> <p>5 such an undoing of the way that we</p> <p>6 moderate content, the way these systems</p> <p>7 have been built, the investments that</p> <p>8 have been made, whether it's a true</p> <p>9 impossibility or a practical</p> <p>10 impossibility, I'm pretty confident it's</p> <p>11 a practical impossibility.</p> <p>12 Now, you may say that something is</p> <p>13 theoretically true if you spend 50 years</p> <p>14 trying to do it if you change the way</p> <p>15 that your company completely operated;</p> <p>16 perhaps I can't attest to that. I can't</p> <p>17 foresee the future.</p> <p>18 For, I think I have the realm of</p> <p>19 both control over the teams that I work</p> <p>20 with, not only my team, the teams I work</p> <p>21 cross-functionally with. I don't see a</p> <p>22 way that we would actually be able to go</p> <p>23 forward with compliance in a meaningful</p> <p>24 way.</p> <p>25</p>
<p>179</p> <p>1 operations of the human review team.</p> <p>2 Q. You spoke to those two groups prior</p> <p>3 to this portion of the declaration being finalized?</p> <p>4 A. Two of the leaders within those</p> <p>5 groups, yes.</p> <p>6 Q. Did you speak to anyone else</p> <p>7 regarding these three bullet points before they</p> <p>8 were finalized?</p> <p>9 A. I know I spoke to in-house counsel.</p> <p>10 I'm not sure if I spoke to -- I take that back.</p> <p>11 I know I spoke to also members of my team</p> <p>12 on certain issues, but I'm not exactly sure what</p> <p>13 specific part, but part of the job.</p> <p>14 Q. Paragraph 34 --</p> <p>15 A. Sure. Yes.</p> <p>16 Q. -- talks kind of broadly about the</p> <p>17 burdensome requirement of HB 20. Are there any</p> <p>18 burdens that you have attested to in this</p> <p>19 declaration that are impossible to comply with as</p> <p>20 opposed to simply burdensome?</p> <p>21 MR. DISHER: Objection. Form.</p> <p>22 THE WITNESS: "Impossible" is such</p> <p>23 a unique word. What I think would be</p> <p>24 impossible is for us to comply with</p> <p>25 anything by December 1. I'm pretty</p>	<p>181</p> <p>1 BY MS. CORBELLO:</p> <p>2 Q. So are there any specific provisions</p> <p>3 that Facebook believes are just impossible to</p> <p>4 comply with in HB 20?</p> <p>5 MR. DISHER: Objection. Form.</p> <p>6 THE WITNESS: I think I covered</p> <p>7 them. So even going back to the</p> <p>8 declaration, whether it's the curating,</p> <p>9 the targeting, for all the reasons</p> <p>10 mentioned, the way that the algorithm</p> <p>11 works, even as I explained, where we have</p> <p>12 steps on transparency around reporting of</p> <p>13 removed -- even changes to that I think</p> <p>14 would be -- I don't think, I know would</p> <p>15 be impossible to comply with by</p> <p>16 December 1.</p> <p>17 But I think it would be tremendous</p> <p>18 investments over time to actually have</p> <p>19 them in compliance in the out years,</p> <p>20 whatever those out years numbers are. It</p> <p>21 would take extreme, extreme changes to</p> <p>22 the way that we do business.</p> <p>23 BY MS. CORBELLO:</p> <p>24 Q. So you said that the things you</p> <p>25 discussed in your declaration, it sounds like the</p>

<p style="text-align: right;">182</p> <p>1 position is that the burdens you described would be  2 impossible for Facebook to comply with?  3 A. Again, 100 years from now, maybe  4 not. For the time that I plan on being at  5 Facebook, probably so. So whether I'm going to be  6 at Facebook for 10 days, 10 months or 10 years, if  7 we use 10 years, I think that we would not be able  8 to comply in a meaningful way with these issues  9 without undoing the whole way that we do business.  10 Q. We've -- you've given me a few names  11 of people that might have more specific answers to  12 some of my questions. Is there anyone else at  13 Facebook that would have personal knowledge of how  14 content moderation works?  15 MR. DISHER: Objection. Form.  16 MR. McCARRICK: Objection to form.  17 THE WITNESS: Those names, I guess  18 my manager knows broadly, although I may  19 be more, have more knowledge of the  20 specifics at this point. Her name is  21 Monica Bickert.  22 BY MS. CORBELLO:  23 Q. Monica Bickert is your supervisor?  24 A. My supervisor.  25 Q. Is there anyone else you can think</p>	<p style="text-align: right;">184</p> <p>1 "Moreover, although Facebook's detailed policies  2 are publicly available, the bill purports to demand  3 even more without guidance out"?  4 Do you see that?  5 A. I do see that.  6 Q. Do you recall counsel for AG asking  7 you some questions about that?  8 A. I do.  9 Q. And do you recall, you spent some  10 time looking over the law; correct?  11 A. I did.  12 Q. Can I draw your attention to, it's  13 the second page of the version I have, at least.  14 A. Sure.  15 Q. The section 120.053.  16 A. Correct.  17 Q. Bi-annual transparency report.  18 A. Yes.  19 Q. Can you read through that silently  20 to yourself and let me know when you're done.  21 A. (Witness complies with request.)  22 Yes.  23 Q. And so when counsel for the AG's  24 asked you to kind of -- I believe that you have, I  25 forgot the exact question, but I believe it's</p>
<p style="text-align: right;">183</p> <p>1 of?  2 MR. DISHER: Objection. Form.  3 THE WITNESS: I think you have --  4 I think all the names that I've given are  5 sufficient.  6 MS. CORBELLO: Let's take a quick  7 break and then we'll wrap up.  8 THE VIDEOGRAPHER: We're going off  9 the record. This is the end of media  10 No. 2. The time is 12:38 p.m.  11 (Recess)  12 THE VIDEOGRAPHER: We're back on  13 the record. This is the beginning of  14 media Unit No. 3. The time is 12:49 p.m.  15 MS. CORBELLO: Mr. Potts, you are  16 relieved. Thank you so much for your  17 time. Pass the witness.  18 MR. McCARRICK: I just have one  19 quick question.  20 EXAMINATION BY  21 MR. MCCARRICK:  22 Q. Mr. Potts, could you look at  23 paragraph 31 for me real quickly.  24 A. Sure.  25 Q. And do you see where it says,</p>	<p style="text-align: right;">185</p> <p>1 something along the lines of what in the law are  2 you referring to when it said, were you trying to  3 recall Section 10.53?  4 A. This is exactly. There are a number  5 of things in I guess Section Number 2 from A  6 through G that would be extremely burdensome, and  7 quite frankly I don't believe that we have fidelity  8 and information on, to the level of detail on how  9 the law would require on how these things operate  10 now.  11 It's important to realize that everyone's  12 news feeds experience is curated through  13 themselves, and that includes the ranking of  14 content is exclusive and unique to the individual  15 user.  16 So it's speaking of what other ways that  17 content is deprioritized is one. Content removal  18 is obviously, we are transparent about, but even  19 going into global specificity perhaps, asked for by  20 this subsection may be onerous, but really the  21 deprioritization would be extremely, extremely  22 difficult to quantify for the community of two  23 point X billion users on any specific piece of  24 content. And then the kind of broad any other  25 action defining what the other actions would be is</p>

<p>186</p> <p>1 also important.</p> <p>2 MR. McCARRICK: Thank you,</p> <p>3 Mr. Potts. I have no further questions.</p> <p>4 EXAMINATION BY</p> <p>5 MS. CORBELLO:</p> <p>6 BY MS. CORBELLO:</p> <p>7 Q. Mr. Potts, look at subsection 2 of</p> <p>8 Section 120.053, subsection 2A.</p> <p>9 A. Yes.</p> <p>10 Q. Does Facebook currently provide any</p> <p>11 number of instances in which content removal</p> <p>12 occurred on its platform?</p> <p>13 A. We do.</p> <p>14 Q. Does subsection 2A require anything</p> <p>15 more than what Facebook already provides?</p> <p>16 MR. McCARRICK: Objection to form.</p> <p>17 MR. DISHER: Objection to form.</p> <p>18 THE WITNESS: Potentially. You're</p> <p>19 asking for a legal activity, the</p> <p>20 definition of illegal activity pursuant</p> <p>21 to what, I guess, criminal statute would</p> <p>22 be important to understand as well.</p> <p>23 Further really the potentially violating</p> <p>24 where it says, if we're looking at</p> <p>25 subsection 2, potentially policy</p>	<p>188</p> <p>1 A. I don't have -- I don't know. I</p> <p>2 don't know.</p> <p>3 Q. And deprioritization, did I</p> <p>4 understand your testimony that Facebook does</p> <p>5 provide that in any sort of number percentage</p> <p>6 currently?</p> <p>7 A. That is my testimony. To clarify, I</p> <p>8 don't quite understand what deprioritization means</p> <p>9 here. We do rank content. We rank content for</p> <p>10 every individual we have on the platform for their</p> <p>11 news feed.</p> <p>12 That prioritization does happen per</p> <p>13 individual per piece of content. I don't even know</p> <p>14 or understand the math that you would need to go</p> <p>15 through to be able to calculate that.</p> <p>16 Q. So in terms -- if it's per</p> <p>17 individual, if we're talking about that sort of</p> <p>18 prioritization, is that something that Facebook</p> <p>19 keeps in terms of aggregate numbers?</p> <p>20 A. Deprioritization of content or</p> <p>21 specifically what one piece of content, how it's</p> <p>22 distributed to different people's news feeds?</p> <p>23 Q. Yes.</p> <p>24 A. I don't know.</p> <p>25 Q. What about subsection 2D, the</p>
<p>187</p> <p>1 violating content known to the platform.</p> <p>2 I guess all types of content are</p> <p>3 theoretically potentially violating. We</p> <p>4 talked about before about what a "Hello"</p> <p>5 post would look like, but without having</p> <p>6 thresholds, without understanding what</p> <p>7 that means in practice it could be</p> <p>8 extremely, extremely burdensome to</p> <p>9 provide any level of detail and</p> <p>10 specificity about all the contents posted</p> <p>11 to Facebook.</p> <p>12 BY MS. CORBELLO:</p> <p>13 Q. But currently the details that</p> <p>14 Facebook does provide includes certain numbers as</p> <p>15 to categories of content and how many it's removed;</p> <p>16 right?</p> <p>17 MR. DISHER: Objection, form.</p> <p>18 THE WITNESS: We provide numbers</p> <p>19 on the content that we are able to</p> <p>20 identify for removal and the content that</p> <p>21 we then remove removed, yes.</p> <p>22 BY MS. CORBELLO:</p> <p>23 Q. What about subsection 2B, content</p> <p>24 demonitization, is that a number that Facebook</p> <p>25 currently provides in any sort of way?</p>	<p>189</p> <p>1 addition of an assessment to content, is that</p> <p>2 something that Facebook currently does not keep any</p> <p>3 sort of data or numbers on?</p> <p>4 MR. McCARRICK: Object to the</p> <p>5 form.</p> <p>6 THE WITNESS: I want to be clear</p> <p>7 here that I'm not fully, fully aware of</p> <p>8 what that means in practice of the</p> <p>9 addition to the assessment. I do not</p> <p>10 believe we keep numbers on assessments of</p> <p>11 content, meaning broad assessment.</p> <p>12 In a very kind of minute way was</p> <p>13 there a decision made on a piece of</p> <p>14 content the way one would object to</p> <p>15 saying assessment, is there something</p> <p>16 more, some type of deliberation over that</p> <p>17 with a detail, I don't know, I don't know</p> <p>18 numbers for either.</p> <p>19 BY MS. CORBELLO:</p> <p>20 Q. Do you know how difficult it would</p> <p>21 be to get those numbers?</p> <p>22 A. I don't know if those numbers exist.</p> <p>23 I think it would be extremely difficult absent just</p> <p>24 utilizing the broad brush that all content is</p> <p>25 subject to review on Facebook via automation.</p>



<p>190</p> <p>1 Q. What about 2E, account suspension?</p> <p>2 Does Facebook currently keep data or numbers on how</p> <p>3 many user accounts are suspended?</p> <p>4 A. We do have data on account</p> <p>5 suspensions. I do not have -- I don't believe I</p> <p>6 have access to that data.</p> <p>7 Q. But that data exists somewhere?</p> <p>8 A. I believe it does.</p> <p>9 Q. What about 2F, account removal, does</p> <p>10 that -- does the data exist somewhere as to how</p> <p>11 many accounts are removed from Facebook's platform</p> <p>12 currently?</p> <p>13 A. For specific types of removals, the</p> <p>14 data exists including fake accounts as we spoke to</p> <p>15 earlier. For other types of removals, I'm</p> <p>16 uncertain.</p> <p>17 MS. CORBELLO: Nothing further.</p> <p>18 MR. McCARRICK: Nothing further</p> <p>19 from me.</p> <p>20 MR. DISHER: Mr. Potts, I have</p> <p>21 nothing for you at this time. I thank</p> <p>22 you for your time today.</p> <p>23 MR. McCARRICK: We can close the</p> <p>24 deposition.</p> <p>25 THE VIDEOGRAPHER: We are off the</p>	<p>192</p> <p>1 DISTRICT OF COLUMBIA: SS</p> <p>2 I, Barbara Moore, a Registered Court Reporter</p> <p>3 of the District of Columbia, do hereby certify that</p> <p>4 these proceedings took place before me at the time</p> <p>5 and place herein set out, and the proceedings were</p> <p>6 recorded stenographically by me and this transcript</p> <p>7 is a true record of the proceedings.</p> <p>8</p> <p>9 I further certify that I am not of counsel to</p> <p>10 any of the parties, nor an employee of counsel nor</p> <p>11 related to any of the parties, nor in any way</p> <p>12 interested in the outcome of this action.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18 BARBARA MOORE, CRR, RMR</p> <p>19</p> <p>20 _____</p> <p>21 My Commission Expires:</p> <p>22 July 31, 2023</p> <p>23</p> <p>24</p> <p>25</p>
<p>191</p> <p>1 record at 12:57 p.m, and this concludes</p> <p>2 today's testimony given by Neil Potts.</p> <p>3 (Proceedings adjourned at 12:57</p> <p>4 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	



	35,000 65:22	9
<b>Numbers</b>	40,000 65:23,24	<b>accepted</b> 143:23
10.53 185:3	109:20 125:12	<b>access</b> 36:1 42:1
100 55:11,14 56:8	157:15 175:15	109:23,24 154:17
57:25 129:11 182:3	900 57:24	168:21 169:13
10:50 98:9	90s 57:1 144:25	190:6
11:01 98:13	9:09 4:14	<b>accessible</b> 167:19
120 149:22 150:13		<b>According</b> 7:24 50:25
170:22	<b>\$</b>	<b>account</b> 20:3 35:16
120.05 169:18	<b>\$13</b> 77:10 157:13	40:9 41:1,14 42:1
120.051 149:22 150:6	<b>A</b>	102:16 103:1 190:1,
154:12 166:3 168:2		4,9
171:12		<b>accountable</b> 169:19
120.051A 150:14	a.m 4:14 98:9,13	<b>accounts</b> 39:18,21
120.052 168:15	abides 164:8	40:2,3,4,13,25
169:10 170:8	abilities 156:20	41:10 96:10,20
120.052b1 169:3	ability 38:22 46:11	190:3,11,14
120.053 184:15 186:8	49:4,9,12,17 65:10	<b>accuracy</b> 63:10
120.104 107:11,18	100:8 109:17 113:1,	<b>accurate</b> 29:14 39:8
1200.51A 150:25	16 131:20 132:3	42:23 62:12 78:5
12:38 183:10	145:11 162:22	151:3
12:49 183:14	able 15:23 26:14	<b>achieve</b> 175:24
12:57 191:1,3	31:20 33:10,25	<b>achieving</b> 60:6
1301 4:11	38:18 49:21 52:1	<b>acknowledging</b>
143A 149:12	55:12,15 57:20	134:13
143A.002 116:2 121:4,	60:2,20 62:14	<b>across</b> 28:15 58:21
16 122:2	67:18 71:6 77:21	61:16 94:16 100:4
143A.006 117:11	79:21 80:7 106:22	<b>act</b> 84:10 86:22
127:14 128:3	107:4 107:4 108:20	86:22 143:25
14-day 106:23 107:8	109:3 120:6 123:15	<b>acted</b> 84:7,10
108:5,11	125:15 128:13	<b>acting</b> 34:18,24
14th 107:14,24	132:9 134:3 142:20	<b>action</b> 32:20 70:24
15,000 109:21	146:14 153:17	71:13 76:10 85:13
1:21-cv-00840-RP	158:2 173:3 175:24	96:22 144:4 185:25
4:9	180:2,22 182:7	192:12
1st 85:16 125:5	187:19 188:15	<b>actions</b> 21:17 86:8
2.8 32:22	above 50:17 129:6,8	177:23 178:1
2016 5:22 77:10 96:4,	absent 112:6 189:23	185:25
5 125:12 157:14	abuse 35:11 44:6	<b>activities</b> 87:8
2017 6:20 86:9	50:22 66:3 85:3,5	<b>activity</b> 86:7,16
2018 86:9 90:5	100:12 103:9	124:10 127:19
2019 6:21 93:9,18	127:17 128:12	135:8 142:24
2020 25:19,25 82:4	175:23	159:14 186:19,20
93:20 94:1,12	abut 9:1	<b>actor</b> 102:12
104:3,8	academics 8:1 47:12	<b>actors</b> 52:22 96:6
2021 4:13 83:24 84:3	85:10	96:6,17 102:13
95:11,21 110:22	accept 85:17	135:11
124:17	acceptable 46:5,10,	<b>actual</b> 15:3 72:23
2023 192:21	16 168:7,15 169:1,	87:15 99:11
		<b>actually</b> 24:7 26:11

<p>30:13 33:19 38:2 41:4,9 57:2,6 59:23 60:14 61:25 66:15 69:12 73:22 80:4 81:5 87:16 89:9 93:3,25 95:16 97:13 104:20 109:17 110:3,7 115:21 121:23 132:9 140:6 141:13 145:11 147:21,22 149:20,21 162:13 178:13 180:22 181:18 <b>add</b> 66:18 67:12 94:13 <b>added</b> 65:13 94:16 157:19 <b>addition</b> 96:23 189:1, 9 <b>additional</b> 36:16 60:2 88:10 159:21 172:1 <b>additions</b> 12:9 146:1 <b>address</b> 35:18,25 84:22 88:8,10 <b>addresses</b> 23:13 <b>adequate</b> 155:15,18 <b>adjourned</b> 191:3 <b>administrator</b> 89:8 <b>ads</b> 94:14,16 118:8, 12 <b>adversarial</b> 102:13, 17 156:13 159:4 <b>advertise</b> 24:13 45:23 <b>advertiser</b> 25:17,20 27:13,18,19 28:1,4, 15,25 29:1,16 165:3 <b>Advertisers</b> 24:12,22, 24 25:2,7,13,14,23 26:2,6,16,20,25 27:3 28:6,19 29:6 129:4 160:24 161:21 <b>advertising</b> 68:16 128:25 <b>advise</b> 178:5 <b>advising</b> 8:10,11</p>	<p><b>affect</b> 131:20 <b>affects</b> 132:3 <b>affiliated</b> 37:6 <b>affirm</b> 97:4,7 <b>after</b> 37:12,14 40:25 64:8 68:23 78:11 82:5 84:8 147:15, 21 <b>again</b> 35:21 39:24 46:6 61:20 71:4,22 73:13 76:7 78:19 101:12 102:10,19 108:23 111:3 117:24 121:15 122:6 125:1 128:8 133:6 134:20 135:1 137:6 138:11 140:22 147:8 148:15 153:14 155:7 157:10 158:15 162:3,13 168:24 170:21 171:12 173:2 175:13 176:20 178:24 182:3 <b>against</b> 9:1 19:25 26:14 59:15 93:2, 19 95:22 97:13 116:15 135:8 137:22,23 <b>aggregate</b> 57:15,18 188:19 <b>agnostic</b> 96:18 123:4, 5 138:4,15 <b>ago</b> 12:21,22,24 31:5 36:18 79:18 117:18 146:13 155:22 <b>agree</b> 27:1 35:14 36:17 97:20,25 <b>agreement</b> 5:9 <b>AG's</b> 184:23 <b>ahead</b> 14:1 105:12 148:25 <b>aimed</b> 95:23 96:1 131:11 <b>alerted</b> 37:15,18 <b>algorithm</b> 18:22,23 19:4 44:23 61:7 65:10,13,19 66:19 70:4 90:16 119:1</p>	<p>145:19,21,23 153:3, 8 159:2,5 173:1 181:10 <b>algorithms</b> 18:9,11, 12,13,20,24 19:7, 15,16,17 20:9 21:6, 7 42:9,15,17 44:18 45:19 66:8 67:12, 18,18 76:25 84:22, 25 85:1 87:5 90:10, 17 97:13 114:5 116:20 126:18 146:5 158:19 171:22,25 172:4,13, 20 <b>alive</b> 37:8 <b>allegations</b> 94:4 97:12,16,17,20 <b>all-encompassing</b> 122:7 <b>allow</b> 6:9 6:9 33:9 37:9 45:19 46:1,8 50:15 51:16 52:8 88:21 89:5,11 115:4,23 122:19 123:25 124:5 127:2 139:1,12 <b>allowed</b> 33:24 37:5 46:17,18,19 47:1 117:18 133:21 136:13 <b>allowing</b> 51:15,22 89:15 <b>allows</b> 36:11 49:8,16 52:25 53:11 114:23 127:6 128:4 144:15 <b>almost</b> 65:17 70:3 174:19 <b>alone</b> 55:20 <b>along</b> 185:1 <b>already</b> 41:1 118:3 147:1 186:15 <b>also</b> 7:17 16:2 18:12 20:4,17 21:7,16 25:14 26:11 29:18 39:16 43:10 44:11, 12 45:19 54:8 58:5 62:25 63:12 65:20 68:13,17 72:22 85:2 86:15 87:5</p>
---	---	--

<p>89:15 91:9,17,25  100:8 101:15  103:18,19 105:1  118:4,11 119:1  130:3 135:4 145:1,  7 152:16 156:4,11,  19 159:8 160:8  165:6 171:2 178:25  179:11 186:1  <b>alter</b> 162:21  <b>alternative</b> 36:19,22  67:6  <b>alternatively</b> 29:2  <b>although</b> 170:15  182:18 184:1  <b>always</b> 58:7,10 74:23  76:15 76:15,16  111:15 118:10  133:7 140:18  141:10 143:7  <b>ambiguous</b> 39:9  <b>amount</b> 58:3,7,8  60:10 76:25 77:22  143:15  <b>and-a-half</b> 5:20  <b>anecdotal</b> 16:6 23:4,  7,8,24 33:22  <b>anecdotally</b> 78:8  <b>anger</b> 97:14,18,19  <b>another</b> 28:15 55:20  57:25 96:21 111:2  148:6 174:8 178:8  <b>answer</b> 18:1 53:4  80:7 108:14 123:18,  22  <b>answered</b> 87:10  <b>answers</b> 182:11  <b>anti-Semitic</b> 122:16  124:6  <b>anyone</b> 11:15,21 13:2  30:18 47:16,23  48:5 53:25 157:18  179:6 182:12,25  <b>anything</b> 15:2 27:12  30:25 48:15 56:3,  23 57:3 66:25 67:2  68:25 82:19 105:22  114:4 119:25  167:18 168:18  179:25 186:14</p>	<p><b>anywhere</b> 169:10  <b>apologize</b> 144:10  <b>app</b> 99:2  <b>apparent</b> 85:6  <b>appeal</b> 100:9,11,15,  20 101:1,9,13,15,  23,23 102:1 106:8  109:14,18 110:8  111:7,22,23  <b>appealed</b> 110:2  <b>appeals</b> 100:1,7,8  103:3 105:4 106:10  107:5,8 109:18  110:1,3 176:21,22,  24  <b>appear</b> 18:17 27:8  118:1  <b>appearances</b> 4:23  <b>appearing</b> 26:8 85:18  <b>appears</b> 29:16 146:3  <b>applause</b> 16:2  <b>apples</b> 43:7 43:7  <b>application</b> 141:7,9  <b>applications</b> 42:7  <b>applied</b> 58:3  <b>applies</b> 9:8 129:20  166:11  <b>apply</b> 19:20 49:21  57:20 60:3,5 63:9  100:4 140:5 146:4  148:3,6  <b>applying</b> 42:3 147:11  <b>appreciate</b> 21:22  <b>approach</b> 23:11 87:6  147:2  <b>appropriate</b> 21:16  60:21 86:2 108:18  143:9  <b>approximately</b> 4:14  32:21  <b>April</b> 5:21  <b>AP's</b> 148:5  <b>arbiters</b> 143:8,9,18  <b>area</b> 57:19 60:7 85:2  125:12  <b>areas</b> 9:2 44:6 50:22  59:7 100:12 103:9  128:12  <b>aren't</b> 31:20 116:23  146:23</p>	<p><b>arguing</b> 55:19  <b>argument</b> 27:11  <b>Aronov</b> 4:15  <b>around</b> 21:3 32:21  45:17 69:16 80:4  82:18 91:15 100:21  101:21 110:22  168:12 181:12  <b>article</b> 82:25 83:3  90:5 93:9 94:13  145:13  <b>articles</b> 16:3 93:14,  23 95:15 97:17  <b>articulate</b> 155:8  <b>articulated</b> 155:9  <b>artificial</b> 53:23  61:18 90:6  <b>aside</b> 20:8  <b>ask</b> 29:24 67:16  77:20 108:6 111:2  146:9 158:4 162:25  164:2 166:17  <b>asked</b> 29:4 80:22  141:25 184:24  185:19  <b>asking</b> 17:17 43:9  56:13 152:22 153:2  184:6 186:19  <b>aspire</b> 99:3 102:10  106:9 108:21  111:13 112:2  <b>assault</b> 36:24,25,25  <b>assessment</b> 189:1,9,  11,15  <b>assessments</b> 189:10  <b>associated</b> 160:14  162:9  <b>associations</b> 8:16  <b>assume</b> 10:9 119:11  157:5 163:4  <b>assumed</b> 10:25  <b>attached</b> 158:17  <b>attack</b> 52:23 59:12  139:23  <b>attacked</b> 59:15  139:21  <b>attempts</b> 88:8  <b>attention</b> 80:17  184:12  <b>attest</b> 31:18 36:17</p>
--	---	--

<p>178:15,23 180:16  <b>attestations</b> 50:9  <b>attested</b> 175:1,5  179:18  <b>Attesting</b> 35:14  <b>Attorneys</b> 4:22  <b>Austin</b> 4:8  <b>authentic</b> 35:24  <b>authenticity</b> 51:4  52:19 141:1  <b>authoritative</b> 148:7  <b>authors</b> 73:10  <b>auto-close</b> 110:5  <b>automated</b> 57:23  58:20 64:19 74:21  91:21  <b>automatic</b> 62:4  <b>automatically</b> 63:15  <b>automation</b> 18:16  40:6,7 54:9 58:24  59:4,5,7,10,22  60:8 61:21 62:24  64:4,9,20,21,22  65:2 69:11,21 70:5  73:16 91:9 144:14  189:25  <b>autonomy</b> 146:7  <b>available</b> 100:22  159:3 170:16 176:1  184:2  <b>Avenue</b> 4:12  <b>aware</b> 9:5 28:18  60:25 61:12 62:9  65:9 66:4 75:1  82:7 92:10,19,25  93:2,7,23 95:15  97:12 104:11,14  124:15 130:17,18,  25 131:1 133:5,18  189:7  <b>away</b> 49:4 125:20,25  126:9 161:9</p>	<p>127:11 137:16  142:7 146:19 151:1  155:21 170:21  175:14,15 179:10  181:7 183:12  <b>back-and-forth</b>  12:14  <b>background</b> 5:18  <b>backgrounds</b> 36:20  <b>backlog</b> 71:16  <b>Bad</b> 56:7 142:2  <b>baffling</b> 67:8  <b>bait</b> 159:11  <b>Ban</b> 118:7,8  <b>Bans</b> 21:13 118:19  <b>Barbara</b> 4:18 192:2  <b>base</b> 86:3  <b>based</b> 16:9 18:9,25  19:1,10 20:13,20  23:4 65:4 69:23  70:23 90:9 116:7  119:5 131:15  134:18 136:15  144:4 146:25  155:18 162:1  163:15  <b>basically</b> 45:9  117:14  <b>basis</b> 22:2 24:8,19  25:4 26:2 29:11,25  30:22 31:5 79:13  86:11 148:24  167:24 171:6  <b>basketball</b> 144:25  <b>Bates</b> 82:11 83:18  109:8  <b>bear</b> 121:17  <b>become</b> 35:5 60:25  61:12 66:4  <b>becomes</b> 25:10 62:9  65:9 85:6 159:3  <b>becoming</b> 8:9 36:3  <b>Before</b> 5:8,18 36:11  44:20 53:25 55:17  56:4 93:11 134:17  146:2 160:3 179:7  187:4 192:4  <b>began</b> 82:8 84:23  <b>begin</b> 66:13 78:10,13  <b>beginning</b> 98:12</p>	<p>107:17 183:13  <b>begins</b> 4:3 122:8  151:1  <b>behalf</b> 5:3 86:16  <b>behavior</b> 20:14 51:5  96:16  <b>behaviors</b> 102:19  <b>behind</b> 135:11  <b>being</b> 4:10 15:6  27:20 29:14 37:25  40:2 58:2 75:23  94:1 97:18 103:18  144:6 146:14  147:20 151:20  155:25 162:21  179:3 182:4  <b>believe</b> 24:14,23  27:4 56:21 65:6,8  101:3,9,20 107:11  110:12 115:12,15  119:9 120:25  121:16,22 127:6  128:4 129:7,12  135:17 142:1  149:11 155:14,17  165:25 166:5  171:13 172:23  184:24,25 185:7  189:10 190:5,8  <b>believed</b> 94:14  <b>believes</b> 107:21  124:20 145:1 181:3  <b>below</b> 70:6 154:10  174:22  <b>benefit</b> 141:14  <b>besides</b> 46:14,25  <b>best</b> 47:14 56:25  125:2 144:25 158:4  <b>better</b> 8:17 8:17  17:15 48:12 56:6  63:8 80:7 92:2  96:25 167:8 175:22  175:22  <b>between</b> 8:4 23:10  38:23 40:1 84:20  129:10 150:13  <b>Bi-annual</b> 184:17  <b>bias</b> 141:8  <b>Bickert</b> 182:21,23  <b>Biden</b> 137:24</p>
<b>B</b>		
<p><b>back</b> 43:25 53:21  58:4 79:17 83:5  84:24 86:9 89:18,  21 96:3 98:11  100:23 102:5</p>		



<b>bifurcate</b> 74:3 <b>bifurcated</b> 178:10 <b>big</b> 10:2 56:24 <b>bill</b> 135:21 136:3 138:12 152:22 153:2 166:20 170:16 184:2 <b>billion</b> 32:21,22 48:13 59:1 77:10, 12 125:11 130:4 141:5 157:13 157:13,19 175:14 185:23 <b>billions</b> 59:2 103:23 125:10 143:11 <b>bin</b> 37:7,8 38:2,9 <b>binary</b> 45:18 46:1,7 <b>bind</b> 138:18 <b>binder</b> 9:22,24 <b>binders</b> 10:9 <b>birth</b> 35:17 38:15 40:14 <b>bit</b> 5:18 16:5 17:1, 15 19:14 19:14 32:25 39:17 40:18 54:21 58:23 106:1 114:10 140:13 172:3 177:18 <b>block</b> 113:12 114:25 118:19,23 119:21, 23 <b>blockade</b> 37:10 <b>blocking</b> 119:24 <b>blog</b> 83:15,20 <b>blunt</b> 89:9 141:4 <b>board</b> 100:5 101:15, 18 103:6,15,17,19, 22 104:2,7 106:16 108:25 109:2 <b>bodies</b> 85:19 <b>body</b> 55:11 106:7,19 147:10 <b>borderline</b> 19:24 <b>both</b> 5:12 20:20 24:1 38:14 50:3 58:13 83:13,14 90:16 91:1 109:14 137:21 142:8 145:1 180:19 <b>bots</b> 39:4,9,13,17 <b>bottle</b> 66:10,11,15,	16 <b>bottom</b> 101:3 109:9 110:25 120:19 149:18 <b>boycott</b> 22:8 24:23 24:23 25:18,24,25 28:14 29:9,17,18, 23 <b>boycotts</b> 25:21 <b>brand</b> 26:8 26:8,15 27:4,8,20 161:21 <b>brands</b> 25:16 <b>break</b> 70:19 93:12 98:6 183:7 <b>breakdown</b> 77:13 <b>breathing</b> 88:5 <b>brief</b> 37:24 <b>briefly</b> 24:22 89:22 <b>broad</b> 21:9 45:25 47:8 48:9 60:3 73:9 73:9 80:13 86:6 116:19 127:24 140:1 148:14 149:12 153:19 154:1 156:16 174:14 185:24 189:11,24 <b>broader</b> 86:3 96:5 <b>broadly</b> 25:15 36:25 36:25 41:21 42:7 50:8 53:14 58:17 62:21 67:24 68:9 71:8 76:14,15 96:7 123:13 126:21 128:11 131:14 145:25 146:4,16 147:7 148:15 153:14 156:24 160:4 172:4,9 173:23 179:16 180:4 182:18 <b>brush</b> 189:24 <b>build</b> 14:22 32:12 33:1 66:20 142:20 177:3 178:8,10 <b>built</b> 126:21,24 180:7 <b>bullet</b> 174:4,7,22 175:6,8 176:7,10, 17,19 177:5,14,22	178:23 179:7 <b>Bulls</b> 56:25 <b>bullying</b> 51:3 103:11 135:4,14,15 136:2, 4,9,11,18,20,21,25 137:22 138:1 <b>burden</b> 80:25 152:23 155:24 162:13 <b>burdens</b> 156:8,11,21 158:11 159:18,19, 22 160:13 161:8 162:8 174:20 179:18 182:1 <b>burdensome</b> 152:20 163:19 176:3 179:17,20 185:6 187:8 <b>Burmese</b> 84:17 88:25 <b>business</b> 17:24 27:24 28:8 131:20 132:4 151:5 153:3,7 158:24 171:8,18 181:22 182:9 <b>button</b> 64:25 65:1 101:8 101:8 119:23
		<b>C</b>
		<b>calculate</b> 158:2 188:15 <b>calculus</b> 145:10 <b>California</b> 130:21 <b>call</b> 19:24 23:14 27:23,25 61:22 63:13 77:16,19 85:17 86:24 96:15 97:3 102:18 110:4 139:16 <b>called</b> 5:3 6:19 29:19 85:3 143:21 <b>calls</b> 59:11 <b>came</b> 57:25 90:23 <b>Can</b> 13:25 14:18 15:20 17:15 18:11 22:17 27:6 28:10 30:12 33:15 34:19 35:7,9,13,21 37:1 38:8 39:1,12 44:13 45:22,23 46:17 52:10 54:7 56:5,23

<p>57:3,8 58:22 59:3, 22 60:1,18 63:3,9, 10,14 78:7 79:9,12, 14 80:3,15 83:5,9 87:7,25 88:7 89:18 91:1,6,17 93:12,13 94:21 95:3 98:5 105:21 108:14 109:14 113:22,23 114:11,25 115:3,9, 14,22 117:4 123:21 127:11 132:2 140:12 141:7 143:11 147:18 150:2,25 153:22 154:10 156:18,21 159:14 160:3,13,19 161:14,15 162:17 174:1 182:25 184:12,19 190:23 <b>cannot</b> 9:19 33:16 34:1 106:10 108:4, 10 <b>can't</b> 10:1 24:6 28:22 30:3,11,13 31:2,9,16,24 34:15, 17,19 67:8 78:8 108:21 113:22 120:4 148:8 155:8 157:25 163:10 164:24 170:10 178:9,10,12 180:16 180:16 <b>capacities</b> 7:18,22 <b>capacity</b> 8:20 133:10 176:2 <b>capture</b> 88:14 <b>care</b> 75:7 89:10 <b>carefully</b> 54:21 <b>carried</b> 86:16 <b>carrying</b> 89:1,6 <b>carve-out</b> 128:2 <b>carve-outs</b> 127:15 <b>carves</b> 135:3 <b>Case</b> 4:8 65:7 101:11 101:11 102:3 103:12 <b>cases</b> 37:14 59:6 62:3 66:5 69:15 72:17 76:5 100:19,</p>	<p>21 101:14,20,25 102:2,11 104:16 106:12,13,17 108:23 109:23 110:4 139:13 158:20 <b>catch</b> 67:19 <b>categories</b> 80:13 127:5 128:4 150:9, 10 162:20,23 187:15 <b>categorization</b> 127:24 <b>category</b> 76:4 77:1 99:3 119:14 122:19 124:1,21 125:20 126:10 <b>causation</b> 16:20 <b>censor</b> 122:9 <b>Censorship</b> 116:2,4 <b>center</b> 97:2 <b>certain</b> 11:16 27:21 31:18 34:15,16 35:9 42:6 45:22 51:7 53:10 59:7,11, 24 60:9,22 61:1,22 69:7 69:7,8,15 70:2,6 72:17 76:4, 5 77:1 89:5 99:10 100:12,19,21 101:14,20 108:20, 23 110:4 114:25 116:7 120:1 123:6, 7 139:13 141:3,11 147:2,17 156:18 158:20 164:5 174:23 175:21 177:23 179:12 187:14 <b>certainly</b> 108:22 <b>certify</b> 192:3,9 <b>cetera</b> 8:1 116:6 <b>chance</b> 11:7 100:11 101:22,23 102:1 109:10 <b>Change</b> 29:19 30:15, 16 31:11 95:13 105:4 117:17 125:8 127:2 160:18,19 175:16,18 180:3,14</p>	<p><b>changed</b> 75:15 80:23 <b>changes</b> 68:18 81:14, 17 82:1 94:22 132:8 175:20 181:13,21 <b>channels</b> 33:14 <b>chapter</b> 121:24 149:12,13 <b>charge</b> 73:19 <b>chart</b> 81:8 <b>check</b> 144:19,20,21 145:12 147:5,25 <b>checked</b> 146:2 148:2 <b>checker</b> 146:2 147:24 <b>checkers</b> 144:12,16, 17 145:24 146:6,13, 18,22,23 147:4,15, 16 <b>checking</b> 37:21 143:19,22 144:16 148:7 <b>chief</b> 28:8 158:6 <b>child</b> 35:11 36:24 38:12,20,21 69:10, 16 101:21 102:20, 23 123:10 135:2 <b>children</b> 7:9 <b>choice</b> 154:17,22 155:3,10 166:23 168:20 169:13 <b>choices</b> 45:18 155:7 <b>choose</b> 114:24 116:21, 22 145:9 <b>cited</b> 144:8 <b>citizens</b> 130:1 <b>civil</b> 7:14 8:1 22:6 29:18 47:11 85:10 <b>claim</b> 24:9 30:4 171:6 <b>claims</b> 145:4 145:4 <b>clarification</b> 37:23 49:13 56:23 100:6 <b>clarify</b> 6:10 20:25 23:6 47:3 188:7 <b>clarity</b> 87:15 175:22 175:22 <b>class</b> 35:9 <b>classifier</b> 61:22 <b>classifiers</b> 69:3 <b>clear</b> 102:14 134:17</p>
---	---	--

<p>169:9 189:6  <b>click</b> 101:8 140:12  <b>clicks</b> 101:9  <b>climate</b> 95:13,17,19  <b>close</b> 69:13 190:23  <b>closed</b> 70:24 71:13  <b>CMOs</b> 28:23  <b>code</b> 66:18 178:13  <b>coders</b> 178:7  <b>codes</b> 44:18  <b>coding</b> 178:12  <b>collaboration</b> 74:7  <b>collection</b> 130:23  <b>colloquially</b> 174:18  <b>Color</b> 29:19 30:15,16  31:10  <b>Columbia</b> 192:3  <b>combination</b> 18:10,16,  19 60:24 78:19  80:9 90:16 92:1,3  <b>combined</b> 18:15  <b>come</b> 14:21 22:22,25  28:14 33:19 38:1  70:23 71:12 87:22  101:2 125:9 142:7  162:15  <b>comes</b> 20:8 21:4 35:3  42:17 45:10 65:3  68:7 79:18  <b>coming</b> 42:16 137:16  <b>comment</b> 100:4 160:3  163:11  <b>comments</b> 15:9  <b>Commission</b> 192:20  <b>commit</b> 91:8  <b>communicated</b> 22:7  <b>communication</b> 74:8  <b>communities</b> 59:20  73:7  <b>community</b> 14:22  24:15 32:13 33:2  44:5,7 45:7,17,22,  24 46:4,15 47:1,14,  17,24 48:7,13,19  49:24 50:4,21 53:3  57:16 71:1 72:11  73:1,12,13 75:7,17,  18 88:6 89:16  103:8 141:5 142:21  166:12,20,25</p>	<p>167:10,25 168:5,25  170:3 185:22  <b>companies</b> 143:20  174:11  <b>company</b> 7:8 129:21  130:4 130:4 132:14  148:6 157:15,17  180:15  <b>compare</b> 71:6  <b>comparison</b> 37:17  <b>competitively</b> 171:8  <b>compile</b> 163:8  <b>compiles</b> 76:18  <b>Compiling</b> 40:23  <b>complaint</b> 22:18,20  23:11,16 64:24  107:19  <b>complaints</b> 22:21,25  23:15,18,21  <b>completely</b> 178:10  180:15  <b>complex</b> 19:14  <b>compliance</b> 125:9  136:11 180:23  181:19  <b>complies</b> 82:23 89:25  117:15 149:2  155:19 184:21  <b>comply</b> 106:11 125:7,  15,19 129:20 132:6,  8,10,20 133:3,6,7  136:12 152:20  153:17 156:23  160:14 162:6  163:19 172:21  174:7,25 176:6,12,  19 178:3 179:19,24  181:4,15 182:2,8  <b>complying</b> 129:25  136:8 155:24 156:9  159:20  <b>comprehensive</b> 87:6  <b>computer</b> 36:1  <b>concept</b> 17:14  <b>concern</b> 173:5  <b>concerned</b> 25:14 26:7  <b>concerns</b> 24:25 26:4,  19 28:16 29:7  129:19 153:7  161:21,23</p>	<p><b>concert</b> 116:20  <b>concludes</b> 191:1  <b>conclusion</b> 161:16  <b>conditions</b> 42:4  <b>confidence</b> 59:11  69:23 70:4  <b>confident</b> 180:1,10  <b>confidential</b> 171:8  <b>confirm</b> 83:6  <b>conflating</b> 171:3  <b>conflict</b> 167:13  <b>confronting</b> 8:18  <b>confuse</b> 70:15  <b>confused</b> 70:14  <b>confusing</b> 17:11  <b>confusion</b> 55:22  <b>Congress</b> 7:20  <b>conjunction</b> 68:9  <b>connect</b> 33:5,10,24  <b>connected</b> 86:23  <b>connecting</b> 33:6  <b>connections</b> 142:9  <b>connotation</b> 97:5  <b>connotations</b> 34:12  <b>consequential</b>  103:21 145:5  175:17,18  <b>consider</b> 25:24  141:17,22 168:11  169:6  <b>considered</b> 73:24  127:16,22,23  171:23 172:7  <b>considers</b> 140:21  <b>consist</b> 127:19  <b>conspiracy</b> 122:16  124:6  <b>constant</b> 65:18  <b>constantly</b> 61:16  <b>constitutes</b> 136:7  <b>consult</b> 13:2,6  <b>consulted</b> 13:8  <b>consumers</b> 68:18  <b>contact</b> 24:21 33:19  42:16 86:5  <b>contain</b> 137:21  143:16  <b>Content</b> 6:4,6,11,13,  15 13:24 14:4,16  15:3,6,11,13,23</p>
---	---	---

<p>16:15 17:18,21  18:14 19:17 19:17,  20 20:8,11,12,17  21:6 24:15 24:15  26:8,10,12,25 27:3,  6,21 31:2 42:8,10,  16,18,19 43:8,22  44:7,16 45:10,23  46:5,9,11,15 47:1  48:23 48:23 49:17  51:24,25 52:3  53:25 54:2,14,23,  25 55:1,2,11,14,15,  17,19,20,23,24  56:1 56:1,8,10,11,  13,15,20,21 57:5,6,  9,13,18,18 58:3,6,  6,8,11,12 59:2,6  61:13 62:9,14,19  63:14,24 65:11  67:19 68:23 69:12  71:16 72:10,14  73:4,6 75:6 76:3,  11,25 77:5,22  79:18 80:5 84:14,  25 85:18 86:21,25  88:14,15 90:18  91:4 94:13 96:10  97:15,24,24 98:21,  23,25 99:2,17,19  100:3,9,12,14,15,  18,18,22,24,25  102:6,8,15,22  103:5,7,16,24  104:12 106:4,5  107:21,22 108:1  109:18,21 111:2,7,  18,22 113:2,6  114:2,7,25 115:1  116:10 117:20  119:13,16,22,24  120:1,3 122:15,17  123:16,25 124:21  125:20 126:9,15,16  127:2,5,18 128:4,  13 130:19 132:15  134:25 135:10,12,  15 136:14 136:14,  15,19,23,24 137:12,  20,25 138:18,23</p>	<p>139:2,3,12,15,18  140:14,16,16 143:3,  12 144:1,2,5,6,12,  15 145:17,20 146:1,  10,11,24 147:12  148:11,12,21  150:17 151:4,24  152:15 153:8,12,20  154:2 155:23  156:13,20 158:10,  11,20 159:7,8  160:8,19 161:15  164:9 167:11  169:17 171:16  180:6 182:14  185:14,17,17,24  186:11 187:1,2,15,  19,20,23 188:9  188:9,13,20,21  189:1,11,14,24  <b>contents</b> 55:10 56:17  60:2 187:10  <b>context</b> 59:21 60:3,4,  21 91:15 97:1  116:4 137:17 140:4  140:4 144:3 161:12  163:17 164:12  <b>context-based</b> 139:7  <b>context-dependent</b>  59:9  <b>continual</b> 86:17  88:20  <b>continually</b> 88:10  <b>continue</b> 62:2 115:5,  23 117:19 128:5  <b>continuing</b> 115:17  <b>contribute</b> 11:15,16  <b>contributed</b> 11:19  93:25 94:6  <b>control</b> 47:17,19  180:19  <b>controls</b> 48:18,22  <b>convened</b> 85:16  <b>conversations</b> 22:6  52:2  <b>convicted</b> 36:24  38:20  <b>convictions</b> 37:2  44:9  <b>convicts</b> 37:3 37:3</p>	<p><b>coordinated</b> 96:16  135:8  <b>coordinating</b> 85:3,5  86:4,6,6  <b>Corbello</b> 5:16  <b>core</b> 33:3 88:3 88:3  <b>corpus</b> 55:11  <b>correct</b> 8:7,8 11:9  13:24 14:4,5 18:22  26:3 32:9 34:15  38:16 48:24 49:6,  25 50:2,6 54:1  56:20 58:15 62:25  81:16 83:1,2 84:1,  4,15 95:14 104:1,5,  23 110:11,12,24  113:2,3,19 114:3  115:2 122:3 126:2,  7 136:22 143:4  150:7 152:1,17  161:5 166:7,18  167:16,17 168:17  172:5,6 184:10,16  <b>correctly</b> 55:21  <b>correlation</b> 17:18  <b>corrupting</b> 96:1  <b>cost</b> 77:8 157:8  <b>costs</b> 77:3  <b>could</b> 15:2,8 17:10  38:11 91:23 95:25  96:9 124:8,9  125:24 126:15,16  146:25 156:22  171:17 172:25  183:22 187:7  <b>couldn't</b> 12:17 38:1  <b>counsel</b> 4:20 5:10  10:8 11:13,14,17,  20,23,24,25 12:3  13:3 179:9 184:6,  23 192:9,10  <b>count</b> 76:20  <b>counterterrorism</b>  7:13 72:16 73:14  <b>countries</b> 131:3  <b>country</b> 97:7  <b>coup</b> 75:20 82:3,6  83:24 89:2,11  <b>couple</b> 56:5 134:16  <b>coups</b> 85:15</p>
--	---	--

<b>course</b> 106:18 <b>Court</b> 4:7,17,24 192:2 <b>Courtney</b> 5:16 <b>covered</b> 181:6 <b>covers</b> 50:23 <b>COVID-19</b> 109:16 176:25 <b>Cowboys</b> 60:13 <b>craze</b> 86:16 <b>create</b> 18:11,24 19:8 35:15 38:6 38:6,10 40:11 44:15 132:11 142:6 157:8 174:20 <b>created</b> 6:4,16,19 37:25 40:13 41:18 42:1 62:18 63:16, 19,21,23 64:9,12 65:4 68:5 78:18 104:8 136:17 166:12 176:23 <b>creates</b> 64:17 80:24 101:10 161:16 <b>creating</b> 62:10,11 136:16 <b>creation</b> 18:14 39:22 40:9 41:11,14 52:16 <b>criminal</b> 35:10 36:20 50:24 86:7 127:16, 19 128:16 186:21 <b>criminality</b> 128:18 <b>crisis</b> 95:17,19 <b>criteria</b> 61:1,4,8 66:18 67:12 68:7 79:18,22 <b>criticism</b> 92:10 <b>criticisms</b> 16:2 92:20 93:2,24 <b>cross-functional</b> 47:8 68:10 71:25 74:7 76:8 85:16 95:8 177:11 178:4 <b>cross-functionally</b> 72:18 74:4 180:21 <b>crunching</b> 78:13 <b>crutch</b> 67:7 <b>curate</b> 113:1 114:15, 18 115:23 116:22 116:22 117:19	<b>curated</b> 185:12 <b>Curates</b> 150:17 151:7 153:11,20 154:1 <b>curating</b> 151:24 152:15 155:23 181:8 <b>curation</b> 114:20 121:25 153:14 <b>curious</b> 165:10 <b>current</b> 28:8 50:10 124:12 153:10 157:9 176:22 <b>currently</b> 5:23 7:3 23:22 24:4 32:19 44:17 48:22 71:17, 19 110:14 111:6 124:16 130:8 131:4 134:18 136:19 142:3 154:21 155:14 163:24 174:13 186:10 187:13,25 188:6 189:2 190:2,12 <b>cyber</b> 7:10,11,12	<b>day</b> 78:11 104:8 107:14,24 <b>days</b> 106:11 107:5 182:6 <b>day-to-day</b> 13:10 82:7 <b>deadline</b> 106:23 107:8 108:5,11 109:3 <b>deal</b> 25:1,7 63:24 <b>dealing</b> 7:11 <b>deals</b> 27:22 <b>debate</b> 32:9 96:2,7 <b>debunking</b> 145:4 <b>December</b> 124:16 179:25 181:16 <b>decided</b> 9:6 100:10 <b>decides</b> 95:6 119:21 <b>decision</b> 20:1 62:2,4, 5,6 69:11 70:5 99:17,18 100:15 101:5,14 103:15 108:25 109:14 110:6,7 111:24 144:2 145:16 147:23 189:13 <b>decisions</b> 40:23 46:2 48:16 68:19 87:16, 19 104:7 106:23 107:5,8 109:18 113:5,17,21 114:5 116:7,12 118:15 119:5,7,18 139:7 144:5 154:7 155:16 <b>declaration</b> 9:21 10:10,16,18,19 11:5,18,22 12:2,19, 23,25 13:12,16,18 46:14 65:22 83:1,6, 13,23 89:18 98:16 110:10,18,21 112:23 114:1 120:14,15 122:11 172:16,17 179:3,19 181:8,25 <b>deconflict</b> 16:6 80:17 <b>deep</b> 140:1 <b>defendant</b> 4:4 5:16 <b>defense</b> 13:16 83:18
	<b>D</b>	
	<b>daily</b> 25:4 59:3 148:23 <b>dangerous</b> 85:1 103:11 <b>data</b> 19:10 22:5 47:13 63:21 71:9 73:24 76:9,14,17, 19,22,23 77:3,16, 17,18,20 78:4,5,18 79:21 80:11 81:3 92:5,8,21 130:23 131:16 151:4 157:2, 3 160:1 162:7 164:21 189:3 190:2, 4,6,7,10,14 <b>database</b> 37:23 69:11 <b>databases</b> 37:21 <b>date</b> 12:20 35:18 38:15 99:4 <b>dates</b> 13:1 40:9,14 41:17 <b>dating</b> 86:9 <b>David</b> 158:6	

<p>86:23 90:23 91:2 105:14 112:17 115:11 <b>Define</b> 8:5 34:7 39:1 45:14 46:15 56:6 61:8 63:18 133:23 155:4 <b>defined</b> 128:10 <b>defining</b> 177:20 185:25 <b>definitely</b> 90:17 102:23 112:10 173:4,12 <b>definition</b> 17:16 84:9 94:21 122:24 125:2 126:14 128:17 134:21 137:7 138:17 155:3 160:2 168:8 169:5 186:20 <b>definitions</b> 106:3,5 127:22 <b>definitives</b> 102:3 <b>Delete</b> 29:15,22,25 30:9 31:4,6,15,21 <b>deleting</b> 29:21 <b>deliberation</b> 189:16 <b>demand</b> 170:16,19 184:2 <b>demonitization</b> 187:24 <b>demonstrate</b> 15:5 <b>demote</b> 19:17 20:1 136:14 <b>demotion</b> 21:7 <b>denied</b> 37:11 <b>deny</b> 44:19 <b>depend</b> 139:5 <b>depending</b> 126:13 140:2 156:5 <b>depends</b> 139:4,6 <b>depo</b> 70:18 <b>deposition</b> 4:3,10 172:4 190:24 <b>deprioritization</b> 185:21 188:3,8,20 <b>deprioritize</b> 158:20 <b>deprioritized</b> 185:17 <b>depth</b> 146:24</p>	<p><b>derive</b> 38:18 86:1 173:4 <b>describe</b> 44:5 75:8 84:20 95:25 115:5, 16 139:15 150:9 174:23 178:2 <b>described</b> 50:3 100:2 182:1 <b>describes</b> 46:4 <b>descriptions</b> 130:2 <b>designated</b> 50:24 86:4 <b>designed</b> 18:24 50:15 97:14 106:19 <b>designer</b> 120:8,10,11 <b>despite</b> 128:15 <b>detail</b> 80:24 185:8 187:9 189:17 <b>detailed</b> 157:1 170:15 174:17 184:1 <b>details</b> 187:13 <b>determination</b> 18:21 148:10 <b>determine</b> 65:10 67:4 76:25 108:1,17 147:14 172:13 173:21 <b>determined</b> 101:16 143:3 173:9 <b>determines</b> 18:25 <b>determining</b> 140:16 <b>develop</b> 7:24 88:6 <b>developed</b> 43:21 <b>development</b> 40:8 48:11 <b>device</b> 40:13 <b>devices</b> 41:17 109:23 <b>diagnoses</b> 92:22 <b>dictate</b> 35:23 49:17 <b>dictated</b> 50:5 130:5 167:1 <b>difference</b> 23:10 <b>different</b> 38:9 42:7 43:3,4,5 45:15,16 46:11 47:3 57:25 61:11 68:13,16 73:23 85:4 106:5 107:25 146:3 167:19 168:10</p>	<p>170:23 188:22 <b>differently</b> 102:9 138:2 <b>differs</b> 37:13 37:13 <b>difficult</b> 33:15 78:3 91:8 106:2,13 111:18 113:10 163:15,18 170:24 185:22 189:20,23 <b>dignity</b> 52:18,23 <b>direct</b> 9:15 15:12,25 16:1,20,20 17:18 22:4,13 119:6 <b>directly</b> 8:20,22,23 23:8,12 25:1 27:17 29:3 33:20 54:6 62:23 64:24 127:18 <b>disability</b> 33:14 <b>disabled</b> 33:15 <b>disagree</b> 94:9 109:14 110:6 143:16 <b>disclose</b> 158:12 161:8 163:6,8 171:7,15 <b>disclosed</b> 97:9 149:25 162:21 166:7 <b>disclosing</b> 161:13 162:16 <b>disclosure</b> 149:12 154:15 165:23 167:16 171:13 <b>disclosures</b> 156:17 161:3,12 162:6,7 164:6 <b>discriminate</b> 134:18, 24 136:13 136:13 138:10 <b>discrimination</b> 116:15 <b>discuss</b> 44:8 51:22 <b>discussed</b> 36:5 109:1 181:25 <b>discussing</b> 58:24 148:16 <b>Discussion</b> 10:11 173:7 <b>displaying</b> 114:7 <b>displays</b> 16:16 <b>disposed</b> 150:11</p>
---	---	---



<b>dispositive</b> 40:21 48:15 <b>disruptions</b> 102:19 <b>dissent</b> 96:11 <b>distinct</b> 60:19 <b>distinguish</b> 40:1 <b>distributed</b> 188:22 <b>District</b> 4:7,8 192:3 <b>disturbed</b> 140:13 <b>Division</b> 4:8 33:4 67:17,20 77:16 81:6 <b>divisiveness</b> 137:23 <b>divorce</b> 178:9 <b>document</b> 11:11 90:15 109:12,13 112:18 <b>documents</b> 13:6,8 110:9 <b>does</b> 14:6,23 16:9,16, 23 17:21 20:2 26:12 29:24 34:14 35:5 37:20 38:22 39:2,23,25 41:13, 14,25 42:2 44:17 45:13,24 47:16,23 48:5 55:9 56:4 57:4 58:10 60:25 65:2,14 66:6,23 67:1,4 72:12 75:13 92:5 98:22 99:13 100:4,6,18 101:2,6 115:4,23 117:17 119:13,23 120:2,3 122:18 128:21 134:17 137:1 139:1, 5,10 141:10,17 142:1 143:5 144:11 148:6 149:4,23 150:8,10,18 152:2, 6,12 153:10 155:14 157:8 162:19,21 163:3,7,24 167:18 170:3 186:10,14 187:14 188:4,12 189:2 190:2,8,9,10 <b>doesn't</b> 20:9 55:2,5, 18 56:3 57:1 58:9 59:16 95:1 151:19 155:4 166:21 <b>doing</b> 31:25 37:17	40:16,25 60:18 72:23 87:6 96:25 124:11 178:11 <b>dollar</b> 175:15 <b>dollars</b> 125:10 <b>domestic</b> 165:13 <b>domicile</b> 97:6 <b>done</b> 31:16 66:22,25 67:2,3 78:24 79:1, 5 126:18,20 129:15, 17 149:1 157:18,24, 25 165:19 174:6 184:20 <b>door</b> 37:11 <b>double</b> 88:13 <b>down</b> 21:21 35:3 44:25 81:9 112:20 120:13 <b>downstream</b> 118:24 <b>draft</b> 10:15 11:5,10, 15 12:6,8,9,10,19 13:4,7 135:20 <b>drafted</b> 11:10 110:18, 21 <b>drafting</b> 11:22 12:1, 18 110:10 <b>draftmanship</b> 56:7 <b>drafts</b> 12:11 <b>draw</b> 184:12 <b>drive</b> 141:10 159:12 161:9 <b>driving</b> 160:21,23 <b>due</b> 28:16 29:7 <b>duly</b> 5:4 <b>during</b> 94:1 110:1 <b>duties</b> 7:2	<b>ease</b> 137:22 168:21 169:13 <b>easier</b> 137:19 <b>easy</b> 76:23 <b>edged</b> 88:14 <b>edit</b> 11:7 12:11 <b>edited</b> 12:6,8 <b>editing</b> 13:7 <b>editorial</b> 166:22 167:12 <b>edits</b> 13:3 <b>effect</b> 124:1,16,23 125:5 126:6 130:22 132:18 157:20 177:7,17 <b>effective</b> 24:14 <b>effectiveness</b> 156:19 <b>effects</b> 118:24 139:23,24 162:5 <b>effort</b> 92:20 <b>efforts</b> 72:10 73:6 75:5 90:7,24 92:13 93:10,18 95:22 <b>egregious</b> 137:13 <b>Eight</b> 120:17,18 <b>either</b> 5:10 15:9 23:11 57:14 61:13 63:8,20 70:23 73:11 75:15,25 145:1,22 158:8 165:9 172:25 189:18 <b>election</b> 75:24 93:20 94:1 96:4,5,21 135:9 <b>elections</b> 96:8 97:1, 10 <b>element</b> 153:16 <b>elements</b> 139:18 155:20 <b>eligible</b> 103:5,9 143:24 144:15 147:22 <b>Ellis</b> 4:11 <b>else</b> 11:15,19 30:25 45:13 46:14 63:24 127:21 171:23 179:6 182:12,25 <b>email</b> 23:12 35:18,24
<b>E</b>		
<b>each</b> 18:5,19,21 19:2, 9 44:23 57:8 90:3 96:12 119:3 177:22 <b>earlier</b> 47:10 50:22 59:1 62:13 71:23 88:2 103:10 109:2 116:24 118:6 125:11 143:12 157:2 160:23,25 173:7 176:22 190:15		

<p><b>embedded</b> 52:17</p> <p><b>emergent</b> 89:16</p> <p><b>emotion</b> 30:12</p> <p><b>employee</b> 192:10</p> <p><b>enable</b> 113:9,11 154:16 166:23 168:19 169:12</p> <p><b>enact</b> 175:12</p> <p><b>end</b> 98:8 122:14 183:9</p> <p><b>ends</b> 82:18</p> <p><b>endure</b> 156:22 158:12</p> <p><b>enforce</b> 26:14 58:20 59:3 66:7 167:11</p> <p><b>enforcement</b> 25:12 57:17 60:22 71:1,4 88:21 104:6 156:16 156:16,17 157:4</p> <p><b>enforcing</b> 87:20 89:14 130:5</p> <p><b>engage</b> 7:25 14:24 16:15 17:20 20:22 97:23 159:11</p> <p><b>engaged</b> 20:4,18 116:11 135:4</p> <p><b>engagement</b> 7:16 15:3, 8,13,21 16:23 17:17 47:10 48:10 85:8 126:21</p> <p><b>engages</b> 20:21</p> <p><b>engaging</b> 17:18 90:20</p> <p><b>engineer</b> 41:19 172:11 173:2</p> <p><b>engineering</b> 176:2</p> <p><b>engineers</b> 66:20 178:7,25</p> <p><b>enough</b> 33:17</p> <p><b>ensure</b> 11:8 26:17 51:11 52:20 86:2 87:5 88:18 89:14 96:24 126:25</p> <p><b>ensuring</b> 146:23</p> <p><b>entails</b> 167:9</p> <p><b>enter</b> 38:9</p> <p><b>entire</b> 6:1,3 99:11 103:1</p> <p><b>entities</b> 69:16 88:25 94:14</p> <p><b>entitled</b> 112:19 153:8</p>	<p><b>entity</b> 143:21</p> <p><b>entry</b> 37:11 44:19</p> <p><b>environment</b> 160:10, 20 161:17</p> <p><b>equally</b> 42:3</p> <p><b>errands</b> 33:17</p> <p><b>escalate</b> 60:21</p> <p><b>especially</b> 26:6 45:17 59:7</p> <p><b>espionage</b> 7:12</p> <p><b>essential</b> 33:18,24 34:4,8,12 166:9 167:6</p> <p><b>essentially</b> 19:8 20:12 32:8 52:7 53:9 58:5 62:1 64:13 66:18 69:12, 22 91:12 101:8,10 110:5 115:16 125:20 139:16 144:20 146:7,14 166:24 174:18</p> <p><b>established</b> 104:3</p> <p><b>ethical</b> 143:23</p> <p><b>evaluate</b> 94:24</p> <p><b>Even</b> 58:10 80:17 91:15 103:12 114:25 129:25 153:19 170:17,19 181:7,11,13 184:3 185:18 188:13</p> <p><b>event</b> 83:16</p> <p><b>events</b> 26:23 85:8,11, 15 96:3</p> <p><b>eventually</b> 6:5 61:18</p> <p><b>ever</b> 28:13,14 29:1 76:2</p> <p><b>every</b> 7:15 65:3,4,17 68:15 88:2 188:10</p> <p><b>everyone</b> 75:5 101:20</p> <p><b>everyone's</b> 185:11</p> <p><b>everything</b> 9:7 40:12 61:17 63:3 87:9</p> <p><b>evidence</b> 23:25</p> <p><b>evolve</b> 47:7 60:4</p> <p><b>evolved</b> 47:6</p> <p><b>exact</b> 12:20 13:1 32:22 82:6 104:9 129:5,9 156:25 184:25</p>	<p><b>exactly</b> 36:15 80:23 167:8 174:9 179:12 185:4</p> <p><b>examine</b> 85:17</p> <p><b>examined</b> 5:5</p> <p><b>example</b> 7:18 21:8 33:13 34:25 37:8 38:12 59:8,12 60:11 63:2 65:12 65:12 66:10 69:17 73:21 74:16 75:21 80:17 88:23 91:16 97:1 99:6 102:12 113:13 118:7,18 126:9 135:14 136:18 137:20 139:7,19,25 150:16 151:24 153:5,9 174:8</p> <p><b>examples</b> 27:19 34:20 70:1 90:4 122:15 132:2 136:1</p> <p><b>exception</b> 112:6</p> <p><b>excluding</b> 107:24</p> <p><b>exclusive</b> 89:1 172:24 185:14</p> <p><b>excuse</b> 53:1 70:12 72:13 83:14 85:21 144:18 175:14 176:23</p> <p><b>execute</b> 177:19,20</p> <p><b>executed</b> 82:6</p> <p><b>Exhibit</b> 13:14,17,18 83:19,20 84:2 105:14,15 112:17, 18 115:11</p> <p><b>exist</b> 189:22 190:10</p> <p><b>existed</b> 27:9</p> <p><b>existing</b> 50:10</p> <p><b>exists</b> 190:7,14</p> <p><b>experience</b> 14:7,11, 21 15:1 33:12,22 47:15 114:16,18,20 119:4 120:10,11 142:8 175:19 178:12 185:12</p> <p><b>experienced</b> 63:2,5</p> <p><b>experiences</b> 142:22</p> <p><b>expertise</b> 72:16</p> <p><b>experts</b> 7:6 7:6</p>
--	--	---

<p>72:14 73:11 85:25 92:11,19 <b>Expires</b> 192:20 <b>explain</b> 17:15 25:11 32:25 52:11 56:6 58:22 116:24 167:8 174:12 <b>explained</b> 47:9 71:23 162:12 162:12 176:14 181:11 <b>explaining</b> 109:13 <b>explicitly</b> 91:13 <b>exploit</b> 85:21,23 135:7 159:4 <b>exploitation</b> 51:3 <b>exploitative</b> 69:10, 16 101:22 102:20, 24 123:11 <b>explore</b> 88:11,12 <b>expose</b> 14:7 <b>express</b> 52:7 59:17 <b>expressed</b> 26:5,20 <b>expressing</b> 180:1 <b>expression</b> 32:15,16 50:16 51:7,15,19 52:12 53:11,12 59:18 116:6,19 119:11,12 127:25 128:10 140:23 <b>extent</b> 32:13 <b>external</b> 7:16,18 79:5 85:7,11 178:5 <b>externally</b> 7:25 <b>extraordinary</b> 81:15 <b>extreme</b> 181:21 181:21 <b>extremely</b> 78:2 80:25 81:1 125:6 125:6 153:4 185:6,21,21 187:8 187:8 189:23 <b>extremism</b> 7:14 <b>eyes</b> 170:24</p>	<p>19:10 20:10,14 21:11,24 22:15,18, 22,25 23:3,16,19, 22 24:3,9,13 26:10, 17,25 27:3,10,22 28:16,19 29:2,6,15, 21,22,25 30:5,9,22 31:4,7,12,15,22 32:18,21 33:4,8 34:3,14,23 35:6,7, 19 36:4,11 37:12, 21 38:22,24 39:4, 12,23,25 40:24 41:25 42:2 43:21 44:3,17 45:9,13 46:10,16 47:16,23, 25 48:5,18,22 49:3, 8,16 50:6 56:16,24 57:4,14,25 58:19 59:2 60:25 61:12, 17 62:8 64:18 65:9 68:14,15 72:9,12 73:8 75:23 82:12, 13,18 83:18 84:2,7, 13,21 85:22 92:5 93:3,25 94:12,16 95:12,16,21 97:13, 18,23 99:1 100:24 103:1,18,23 104:11 108:4,10 109:7,20 110:19 111:3,6,23 112:19 113:1,5,6, 21 114:2,5,23 115:24 117:18 119:23 120:5,12,23 122:19 123:2,25 124:20 125:21 126:10 127:6 128:5, 21 129:19 130:9,23 131:4 132:18 133:1 134:4,17 136:19 137:1 138:2 139:1, 3 140:21,22 141:17 142:1,5,15 143:6, 13 145:23 146:3,19 148:3,9 149:5,24 151:12 152:20,24 153:20 154:1,2 155:5,6,13,14,25 156:22 158:12</p>	<p>160:11 161:3 162:4 163:8,23 164:8 165:7 166:8,19 168:1 171:7,24 172:2,20 174:6,13 176:6,12,18 177:23 178:13,18 181:3 182:2,5,6,13 186:10,15 187:11, 14,24 188:4,18 189:2,25 190:2 <b>Facebook.com</b> 35:13 <b>Facebook's</b> 17:21 32:8,11 50:14 53:23 67:11 92:11 110:14 131:20 132:3 133:20 134:2 136:3 145:19 153:10 154:20 162:22 166:11,21, 22 170:15 178:19 184:1 190:11 <b>faces</b> 7:8 <b>fact</b> 22:8 30:8 37:12, 14 80:19 104:15 143:19,22 144:12, 15,16,16,19,20,21 145:11,24 146:2 146:2,6,12,18,22, 23 147:4 147:4,15, 16,24,25 148:2,7 162:19 163:3 <b>fact-checked</b> 147:1 <b>fact-checking</b> 143:25 147:12 148:11 <b>factor</b> 140:19 144:7, 9 <b>factors</b> 43:10 <b>fair</b> 9:7 20:22 26:24 34:5 35:17 39:12 44:11 49:3 57:12 58:13 84:7 110:23 111:8 142:17 143:15 <b>fairly</b> 8:2 101:19 <b>fake</b> 39:18,21 40:3,8, 25 41:1,10 96:9 118:12,13 190:14 <b>fall</b> 44:12 45:21,24</p>
<b>F</b>		
<p><b>Facebook</b> 5:4,19 6:2 7:17,23 8:4,6,13 9:4,13 14:6,25 15:16,22 16:9,16, 24 17:21 18:9</p>		

<p>71:8 89:2  <b>fallen</b> 88:9  <b>falls</b> 6:10 74:14  103:8 119:14,16  <b>false</b> 143:3 144:3  144:3,8,9  <b>familiar</b> 34:10 44:22  64:3 82:21  <b>family</b> 32:20  <b>fan</b> 56:24  <b>fans</b> 60:13  <b>far</b> 43:15 144:11  <b>farms</b> 44:15 44:15  <b>fast</b> 80:3 86:12  <b>favor</b> 49:4,8,16 53:1  53:1 85:23  <b>favorite</b> 114:24  <b>feature</b> 15:16 114:25  <b>February</b> 82:4 84:3  86:12 95:11  <b>fed</b> 87:4,5  <b>federal</b> 69:18 130:18  <b>feed</b> 21:12 66:8,13  68:15 78:21 86:20  114:12,13,15,16,18  118:1,8,15,25  119:2,4,8 140:9  158:21 188:11  <b>feedback</b> 12:9 15:12,  25 16:1 22:4,13  33:21 48:11 88:11  106:9 116:8,13  119:6 119:6 120:2  <b>feedings</b> 18:12  <b>feeds</b> 18:15 19:16  115:24 185:12  188:22  <b>feel</b> 23:4,19,22 24:4,  10 30:9 52:21  75:17 83:10 112:7,  11  <b>feeling</b> 22:9 142:11  <b>felt</b> 24:7  <b>few</b> 104:16 122:15  128:23 136:1  155:21 156:10  159:18 182:10  <b>fidelity</b> 16:6 37:1  78:4 80:16 185:7  <b>figurative</b> 175:6</p>	<p><b>figure</b> 67:9 129:5,9  157:20  <b>figures</b> 57:8  <b>file</b> 64:22  <b>filed</b> 4:6  <b>filing</b> 64:13  <b>fill</b> 22:17  <b>fills</b> 91:25  <b>finalized</b> 179:3,8  <b>finance</b> 158:1  <b>financial</b> 158:6  <b>find</b> 14:8 15:1,3,6,  20,23 26:9 37:1  52:4 53:24 71:10  79:9 91:17 103:2  142:6 144:1 149:17  161:19  <b>finding</b> 88:17 122:1  <b>finds</b> 54:22  <b>finish</b> 93:13,14  <b>firm</b> 4:16 6:23,25  <b>first</b> 5:4 9:22 12:18,  19 28:10 32:7  40:20 43:20 46:19  53:21 61:19 62:16  64:9,19 86:23 87:2  88:8 90:22 98:20  100:14,23 101:14  111:1 135:16 143:6  145:22 147:16  149:19 155:22  170:14 174:4,21  <b>first-line</b> 63:12  <b>five</b> 5:20 5:20  <b>flag</b> 56:23 57:1,3  58:10 68:25  <b>flagged</b> 54:3,7,11,15  55:3,24 56:4,15,17  57:5,9,14 58:3,9,  13 68:24 79:22  81:22 98:22,24  100:9 136:25 156:4  <b>flagging</b> 58:6 101:21  <b>flags</b> 58:6 92:6  100:13,17  <b>flip</b> 49:7,15  <b>Florida</b> 12:24  <b>focus</b> 7:7 28:1 65:25  82:20 86:24 137:1  140:24 145:6,8</p>	<p><b>focused</b> 26:12 46:1  85:1 121:8 135:21  137:7 149:21  151:17  <b>focuses</b> 63:7  <b>follow</b> 14:14,15,19  113:14  <b>followed</b> 43:11,13,13  <b>follows</b> 5:5  <b>force</b> 125:8  <b>forced</b> 119:19 132:14  <b>foreign</b> 7:11 75:22  96:20 159:7  <b>foresee</b> 180:17  <b>forgot</b> 184:25  <b>form</b> 16:11,25 17:8  19:3,12 20:15,23  22:16 23:5 28:20,  21 30:2 31:8,23  32:10 34:6 35:20  36:6 38:25 39:6,15  41:3 42:11,20  44:21 47:20 48:1,8,  25 49:10,19 50:7  51:9,17,20 52:9  53:5,6,13 54:4,16  55:4 61:3 64:1,10  67:13 71:18 74:1  77:6 78:1 79:7,24  81:20 84:6 90:12,  25 92:15 93:6 94:2,  18 98:1 104:13  105:6,7,25 106:25  107:2,9 108:8,13  111:10,25 112:9  113:8 114:8 115:6,  8,18,25 117:21,23  118:21 121:3,14  122:5,21 123:19  124:2,24,25 125:22,  23 126:11 127:8,10  128:6,22 129:23  130:10,12,24 131:5,  13,22 132:5,21  133:4,15,22 134:5,  19 135:18,19 137:3,  5 138:3 141:19,21  142:4,18 149:8,10  150:1,12,21,22  151:15 152:5,11</p>
---	--	---

153:21 154:4,24 155:1 156:2 157:21, 23 158:14 159:23 160:16 161:4 162:10,24 163:9 164:1,11,17,22 165:4,15 166:14 167:2,4,21 168:3, 23 169:15 170:9 171:10 172:22 173:10,16 175:2,10 177:8 179:21 181:5 182:15,16 183:2 186:16,17 187:17 189:5 <b>format</b> 149:25 150:11, 20 151:14 <b>forms</b> 29:11 <b>forth</b> 58:4 <b>forum</b> 32:9 <b>forward</b> 86:12 151:2 180:23 <b>foster</b> 32:8,16 <b>found</b> 54:8 59:13 144:7,8 <b>four</b> 108:15,16 <b>frame</b> 80:11 <b>framed</b> 17:10 <b>framework</b> 94:23 <b>framing</b> 167:6 <b>frankly</b> 185:7 <b>free</b> 83:10 <b>freedom</b> 32:14 <b>friend</b> 14:15 33:7 <b>friending</b> 40:15 <b>friends</b> 14:19 21:1 33:6 40:10,16,20 114:24 <b>from</b> 4:15 5:10 13:10 14:10,13 15:12 21:4 22:15 23:7 24:1 36:8 37:25 40:12,14 41:18 46:6 46:6 47:11,12 50:23 52:22 57:25 65:22 72:18 78:4 79:13 85:9,19 86:14 92:10 93:24 93:24 94:14,25 95:16 99:1,15,16,	18 103:1 107:20 114:25 115:17 116:8 117:4,5,8,18 118:20,23 124:11 129:3 137:9,15,16 141:8,14 142:14 154:18 156:6 160:24 166:4 168:21 169:14 178:5,21 182:3 185:5 190:11,19 <b>front</b> 7:20 9:22 41:6, 8 81:8 90:15 110:16 <b>fulfill</b> 147:11 <b>full</b> 27:23 <b>fully</b> 39:8 128:9 189:7 189:7 <b>fundamental</b> 125:17 132:12 134:7 <b>funds</b> 9:13 129:2 <b>further</b> 40:22 62:3 96:23 101:4 174:16 186:3,23 190:17,18 192:9 <b>future</b> 26:22,23 86:7 180:17	<b>generating</b> 42:10 <b>generic</b> 95:2 <b>genocide</b> 86:10 <b>gentleman</b> 41:23 <b>get</b> 5:8,18 15:12,19, 25 43:3 43:3 47:3 54:9 60:18 66:6,19, 21 77:24 78:3 80:15 80:15 89:13 120:2 126:1 144:12 145:7 159:10 189:21 <b>gets</b> 56:20 62:18 63:23 64:18 68:23 98:21 101:17 102:6 103:16 146:24 166:7 <b>getting</b> 44:2,20 47:11 47:11 87:1 95:6 133:12 145:18 148:11 <b>give</b> 14:20 32:12 33:1,4 34:20 41:6 48:5 59:8 63:12 69:3 77:22 91:5 99:3 101:22,23,25 106:9 110:7 123:21 149:5 154:6 155:6 <b>given</b> 12:7 15:6 39:5, 13 47:25 48:7 79:1 92:21 103:24 178:20 182:10 183:4 191:2 <b>gives</b> 40:21 69:22 101:4 122:15 174:13 <b>giving</b> 13:3 32:13 47:6,14 63:6 76:12 116:10 <b>global</b> 27:25 32:23 58:21 71:24 129:21 130:3 185:19 <b>globally</b> 40:21 40:21 60:5 143:20 <b>goal</b> 32:8 <b>goals</b> 142:15 <b>goes</b> 21:21 62:22 126:6 145:23 157:12 158:17,18 170:21
<b>G</b>		
<b>gain</b> 175:20 <b>gained</b> 42:1 <b>game</b> 156:14,15 <b>gamed</b> 162:17 <b>gashes</b> 140:1 <b>gather</b> 79:21 162:7 <b>gathering</b> 162:14 164:21 <b>gathers</b> 73:24 <b>gave</b> 12:8 27:19 41:17 89:8 118:18 136:1 <b>Gene</b> 4:15 <b>general</b> 112:14 <b>generally</b> 26:22 37:22 72:13,21 74:20 77:21 99:14, 15,16 109:19 111:21 112:5 120:4 <b>generates</b> 42:19		

<p><b>going</b> 5:9 13:15 21:2  32:24 39:24 43:25  45:1 58:4 59:24  66:8 75:25 79:17  83:17 86:14,15  91:7 95:24 98:7  102:5,20 109:19  112:22 121:23  124:20,22 126:4  138:1 145:2 146:9  155:21 174:4 175:6,  16 181:7 182:5  183:8 185:19</p> <p><b>gone</b> 60:16</p> <p><b>Good</b> 4:2 5:15 70:21  142:2,10,16,23,24</p> <p><b>goods</b> 118:14</p> <p><b>got</b> 21:12,13 87:9</p> <p><b>govern</b> 44:6</p> <p><b>governance</b> 7:25</p> <p><b>government</b> 34:19  69:18 84:18 85:20,  24 88:25 89:3,4,10  96:6 130:6 165:12</p> <p><b>governments</b> 34:1,15,  16,18,24</p> <p><b>government's</b> 165:8</p> <p><b>granular</b> 80:16</p> <p><b>graphic</b> 91:18 139:8  140:3,11</p> <p><b>graphically</b> 138:22  139:1 140:16</p> <p><b>gray</b> 159:9</p> <p><b>great</b> 14:9 56:22  58:23</p> <p><b>ground</b> 85:9</p> <p><b>group</b> 29:24 30:9,14,  19 33:13 71:23  73:22,23 79:19  85:17 86:21 148:16,  19,23 178:24</p> <p><b>groups</b> 9:18 14:15,19  21:2 33:9 33:9,23  40:16 68:16 94:5  102:13 161:24  179:2,5</p> <p><b>group's</b> 48:14</p> <p><b>guardrails</b> 126:25</p> <p><b>guess</b> 26:12,21 35:25  36:8,10 43:2 45:25</p>	<p>55:22 68:17 69:4  97:4 109:13 114:9  138:13 138:13  143:6 158:16 169:2  182:17 185:5  186:21 187:2</p> <p><b>guidance</b> 184:3</p> <p><b>gunshots</b> 91:19</p> <p><b>Guy</b> 41:24 68:2 73:21  74:22</p>	<p>79:22 84:21 95:12  97:5 98:23 100:24  104:7 106:5 107:25  113:4 120:11  129:19 132:18  133:1,17 144:7,8,8  146:1 157:18  160:21,23 161:3  168:1 178:12</p> <p><b>hashtag</b> 29:15 31:4,  14,21</p> <p><b>hasn't</b> 65:14</p> <p><b>hate</b> 30:5,23 31:12  51:1 57:21 59:9,13  60:10 65:12 80:19,  21 99:7,9 123:12  174:15 174:15</p> <p><b>haven't</b> 12:16 19:25  26:13 29:4 157:25</p> <p><b>having</b> 5:3,4 33:19  60:20 87:2 129:20  138:19 160:14  161:8 162:5,7  163:6 175:5,20  187:5</p> <p><b>head</b> 10:1 28:7 41:22,  23 67:25 72:14  81:2 140:1</p> <p><b>heads</b> 146:18</p> <p><b>health</b> 7:9 89:7  92:12,22</p> <p><b>hear</b> 14:10 15:14</p> <p><b>heard</b> 23:7,23,25  94:3 97:16</p> <p><b>hearing</b> 67:5 85:19</p> <p><b>heavily</b> 59:9</p> <p><b>held</b> 4:10 10:11</p> <p><b>Hello</b> 70:7 187:4</p> <p><b>help</b> 114:12,15  117:25</p> <p><b>helpful</b> 87:11</p> <p><b>helping</b> 58:25 87:19  90:6</p> <p><b>helps</b> 148:23</p> <p><b>Here</b> 10:21 11:2 11:2  31:21 51:14 57:20  64:4 69:25 69:25  80:23 85:6 87:25  88:19,23 119:10  121:21 124:4 125:2</p>
	<p><b>H</b></p>	
	<p><b>handle</b> 28:3</p> <p><b>handles</b> 103:23 178:6</p> <p><b>happen</b> 34:10,21,22  81:18 82:2 99:14  115:17 157:9  188:12</p> <p><b>happened</b> 82:4 83:24  84:21 85:15 140:4</p> <p><b>happening</b> 60:11 85:8  118:20</p> <p><b>happens</b> 62:20 63:20,  22 65:3 68:22  68:22 69:21 74:13  147:13,15 148:4  148:4</p> <p><b>harassing</b> 137:11</p> <p><b>harassment</b> 51:2  135:5 136:12,22  137:1,14,21 138:1</p> <p><b>hard</b> 22:5 26:21 74:2,  11,24 122:25 125:3  147:5 163:12  174:11</p> <p><b>harm</b> 27:4 50:25 85:3,  5 86:4,6,8 124:9  159:6 162:15</p> <p><b>harmful</b> 24:14 51:24,  25 72:10 73:6 75:6  159:8,13 161:15</p> <p><b>harming</b> 160:9</p> <p><b>has</b> 19:10 26:24 27:4,  9 29:1 30:5 31:12  32:20 34:12 38:20  39:4 41:1,25 43:21  55:1,2,24 56:1,2,2,  12 60:15 63:21  65:13,22 69:22</p>	

126:14 127:18 128:15 131:20 155:9 162:3 167:22 177:5 188:9 189:7 <b>hereby</b> 192:3 <b>herein</b> 192:5 <b>Hey</b> 59:22 140:11 <b>hide</b> 120:3 <b>high</b> 60:10 81:1 <b>highest</b> 7:7 <b>highlight</b> 54:7 <b>highly</b> 26:7 118:5 171:7,17 <b>hinge</b> 111:13 <b>histories</b> 35:10 <b>hit</b> 64:25 65:1 <b>hoc</b> 26:2 <b>Hold</b> 108:6 <b>holding</b> 170:5 <b>holds</b> 27:25 <b>holistic</b> 87:6 <b>home</b> 109:22 <b>hope</b> 142:9 <b>hopefully</b> 25:11 60:2 87:9 <b>hostile</b> 123:8 <b>hours</b> 99:23 111:4,8, 14,22 112:2,5,7,12, 15 <b>house</b> 17:25 <b>huge</b> 152:23 <b>human</b> 18:9 19:1 32:15 40:7 58:20 59:5,6,25 60:1,8, 20 61:14 62:3,22 63:1,13,17,22,23 64:5,23 68:11 73:14 86:21 90:16, 24 91:2 92:1 126:19 145:23 179:1 <b>humans</b> 18:11 18:11, 12,20 66:23 67:1,2, 4,9 109:19 114:6 <b>hundred</b> 56:10,11 <b>hung</b> 114:10 116:25 <b>Hypothetically</b> 77:15,19	<b>I'd</b> 45:14 107:3 <b>idea</b> 63:11 <b>ideas</b> 41:17 <b>identifiable</b> 103:13 <b>identification</b> 13:19 83:21 105:16 112:21 <b>identified</b> 56:10 57:24 128:3 150:6 <b>identify</b> 40:8 55:12, 16 57:22 187:20 <b>identifying</b> 90:18 <b>ideologies</b> 138:9 <b>ideology</b> 138:6,8 <b>I'll</b> 40:6 59:8 93:13 148:13 149:17 158:23 166:17 <b>illegal</b> 186:20 <b>illegitimate</b> 38:23 40:2 <b>I'm</b> 4:17 5:24 9:5 10:20 11:2,16 13:15 17:1,24 27:14,17 28:23 29:13 33:7 34:18 36:13 36:13,15 39:16,24 41:6,19 43:2,6,13 44:22 45:1 46:8,21 47:2 56:24 57:11 59:23, 24 64:2,4 67:5,8 70:14,21 73:5 76:19,22,23 79:14 83:17 92:25 93:7 95:20,23 98:19 101:21 102:4 104:14 108:18 114:10 117:10 121:23,25 125:25 129:17 130:17,18, 25,25 133:5,12,17 135:21 136:12,15 137:6 138:11,13 142:12 144:10,11 146:9,11 150:24 151:17 164:13,18, 23 165:9 166:18 168:5 170:20 171:25 172:10	173:2 177:18 179:10,12,25 180:10 182:5 189:7 190:15 <b>image</b> 102:24 141:15 <b>images</b> 69:10,17 91:23 91:23 101:22 102:20 123:11 <b>imagine</b> 14:18 33:15 44:13 80:15 91:6 94:22 143:11 147:19 <b>immediately</b> 84:11 <b>immense</b> 174:20 <b>imminent</b> 124:9 <b>impact</b> 89:13 120:23 142:10 <b>impacted</b> 168:1 <b>impacts</b> 68:21 109:16 111:17 119:3 177:1 <b>implemented</b> 61:1 84:13 <b>implying</b> 138:16 <b>important</b> 32:14 34:11 60:23 97:11 119:1 143:7 147:8 153:16 160:2 185:11 186:1,22 <b>impossibility</b> 180:9, 10,11 <b>impossible</b> 125:7 163:8,13 179:19,22, 24 180:2 181:3,15 182:2 <b>inappropriately</b> 147:14 <b>inauthentic</b> 52:22 96:13,16,20 102:12 <b>incident</b> 84:13,21 <b>incite</b> 96:11 96:11 97:14 127:18 <b>incitement</b> 50:24 103:10 128:16 <b>incites</b> 126:17 <b>inciting</b> 127:22 128:19 <b>include</b> 72:14,15 99:10 118:2 127:17 153:11 170:3 174:18
<b>I</b>		



<p><b>included</b> 13:9</p> <p><b>includes</b> 7:8 103:9 185:13 187:14</p> <p><b>including</b> 8:25 16:1, 2 19:16 24:1 38:17 38:17,18 69:8 85:9 96:4 106:14 107:25 111:16 116:21 128:14 136:1 151:5 157:14 158:10 190:14</p> <p><b>inconsequential</b> 145:2</p> <p><b>incorporated</b> 127:21 169:21</p> <p><b>incorrect</b> 41:5 70:13 146:25</p> <p><b>increase</b> 16:10,16,23 17:21</p> <p><b>increased</b> 63:16 65:22</p> <p><b>increases</b> 93:3</p> <p><b>increasing</b> 157:14</p> <p><b>incredible</b> 176:16</p> <p><b>independence</b> 144:19</p> <p><b>independent</b> 145:7 148:1</p> <p><b>indicate</b> 17:3 90:19 152:2 172:19</p> <p><b>indicating</b> 95:16</p> <p><b>indication</b> 152:9</p> <p><b>indications</b> 85:12</p> <p><b>indirect</b> 9:16 119:6</p> <p><b>individual</b> 14:17 21:1 38:7 140:8 158:22 185:14 188:10,13,17</p> <p><b>individuals</b> 33:6,20, 22 37:16 43:3,4 47:9 50:25 63:9 85:2 148:16</p> <p><b>industry</b> 9:18</p> <p><b>inflection</b> 25:15</p> <p><b>influence</b> 75:23 95:23,25 96:7,14, 21 141:18,23 142:2, 16</p> <p><b>inform</b> 26:23 47:13 65:19 91:21 114:12 118:25 168:8,9</p>	<p>169:4 173:1</p> <p><b>information</b> 36:10 37:1,20 41:20 77:4, 24 78:21 80:20 92:7 103:13 109:24 135:6 147:1 148:8 149:5,24 151:3,6, 12,13,18,19,20,23 152:3,9,10 153:11 154:3,6,21 155:6, 15,18 156:5 158:13 159:2 161:9,11 163:7 163:7,17 164:9 171:9,14,15, 19,22 172:1,8,10 185:8</p> <p><b>informational</b> 95:12</p> <p><b>informed</b> 40:7 59:5 145:21 154:7,16,22 155:3,10,15 166:23 168:20 169:4,12,20, 22,25</p> <p><b>infrastructure</b> 126:24</p> <p><b>infringed</b> 153:2</p> <p><b>inherent</b> 13:9</p> <p><b>in-house</b> 11:12,14,17, 20,22,24 12:3 13:3 179:9</p> <p><b>initial</b> 11:10 70:17</p> <p><b>input</b> 12:8 47:6,24 48:6 178:5</p> <p><b>inputted</b> 69:24 69:24 175:20</p> <p><b>in-queuing</b> 147:23</p> <p><b>inserted</b> 176:24</p> <p><b>Instagram</b> 21:12</p> <p><b>instances</b> 69:18 120:5 171:2 186:11</p> <p><b>instantaneous</b> 82:5 99:20</p> <p><b>instead</b> 63:6</p> <p><b>instructed</b> 146:22</p> <p><b>Integrity</b> 4:16,18 41:21,23 67:24,25 68:1,6,12 71:24 72:18 73:21 74:9 76:9 78:20 80:10 148:17 178:24,25</p> <p><b>intellectual</b> 51:3</p>	<p><b>intelligence</b> 53:24 61:19 90:6</p> <p><b>intended</b> 161:24</p> <p><b>intent</b> 24:6 94:21 140:6</p> <p><b>intention</b> 95:2</p> <p><b>intentions</b> 25:12</p> <p><b>interact</b> 16:8</p> <p><b>interactions</b> 14:12 142:22</p> <p><b>interchangeably</b> 46:22</p> <p><b>interest</b> 14:20 139:11,12 140:17, 19,20 141:13</p> <p><b>interested</b> 14:13 19:2,9 20:13 192:12</p> <p><b>interests</b> 33:11</p> <p><b>interface</b> 28:6</p> <p><b>interference</b> 7:11 75:22 159:7</p> <p><b>interfering</b> 93:19</p> <p><b>interim</b> 147:24</p> <p><b>internal</b> 68:5 70:23 71:12</p> <p><b>international</b> 131:19 132:3,17,25 133:14,16 143:22 147:9 165:13</p> <p><b>internet</b> 8:18</p> <p><b>interpret</b> 107:15</p> <p><b>interstitial</b> 139:16</p> <p><b>intervention</b> 63:22 64:6</p> <p><b>into</b> 7:15 18:15 20:2 26:17 33:19 34:17 35:9 62:22,24 66:8, 13 86:20 87:4,5 101:7 124:1,16,22 125:5,9 126:6 145:24 157:12,20 159:11 176:11,24 177:7,16 185:19</p> <p><b>introduce</b> 4:20</p> <p><b>invest</b> 26:16 125:14 145:3 176:18</p> <p><b>invested</b> 176:11,14 178:16</p> <p><b>investigating</b></p>
--	---	---

145:14 <b>investigation</b> 40:22 <b>investment</b> 28:23 77:8 156:24 157:1 174:5,24 175:7,8 176:16 178:14,19 <b>investments</b> 132:8 157:6 160:7 162:14 176:3 178:20 180:7 181:18 <b>involved</b> 8:3,9 27:12, 17 67:9 87:12 139:20 <b>involvement</b> 19:1 <b>isn't</b> 113:20 <b>issue</b> 25:10 62:20 74:16 84:22 97:3 135:17 145:6 <b>issues</b> 7:7,12 8:18, 23,24,25 21:8 50:23 52:20 61:15 63:24 71:15 72:21 75:16,19 103:19 103:19,20 131:16 131:16 148:15 157:7 175:23 176:23 177:12 179:12 182:8 <b>item</b> 77:13 157:11 157:11 <b>items</b> 77:8 <b>iterative</b> 88:1 <b>It's</b> 6:14 14:9 14:9 17:9,10,11,16 18:16,19 19:14 19:14 20:4,10,20 21:14 23:8 24:7,14 26:21 27:24 30:13 33:3,17 36:14 37:14,18,21 38:19 40:18,25 45:24 55:23,25 56:4,22 57:2,16 58:7,13 59:21,24 60:23 63:22 64:9,25 67:7, 24 68:9 69:1 70:6 74:2,5,11,16,24 76:14,15,23 78:19 81:7 82:7 88:19 91:22 95:2,8 101:3,	19 104:12 105:1 106:1,18 108:11 109:9,13,15 112:10 115:11 116:18 117:8,11 119:1 122:6,25 124:20 125:3 127:17 128:10 129:24 134:20 139:6 140:17,18 142:11 143:6,8,20 145:1 145:1,13,22 146:12 147:3,5,8 148:15 149:11 151:16 155:14 158:16 163:12 165:25 174:11 178:18 178:18 180:1,8,10 181:8 184:12,25 185:11,16 187:15 188:16,21 <b>its</b> 7:18 29:24 36:12 39:5,13 42:3 43:23 45:10 48:18,19 58:20,21 72:10,11 73:6 89:16 95:17 97:13,14 111:7 113:6 114:2,5,6 122:20 128:21 132:19 133:2 139:2 151:3 158:10 163:23 166:19,24 172:20 186:12 <b>itself</b> 70:5 99:11 136:4 141:17 142:1 <b>I've</b> 21:13 22:5 23:7 24:21 33:21 104:24 134:14 162:12 183:4	<b>Jordans</b> 21:13 118:12 <b>journalists</b> 85:10 <b>July</b> 192:21 <b>jumps</b> 156:11 <b>June</b> 94:12 <b>just</b> 5:17 6:10 8:17 9:8 10:24 11:24 13:9,25 15:2,10,11 17:9,11 18:14,16 20:10 21:9 25:14 36:4,10 38:5,9,13 43:25 45:2 49:12 54:6,24 56:20 57:16 58:8,17 60:3, 9,9 67:6 68:3,6 70:19 71:1 74:13 75:5 77:17 80:24 81:7 82:15,21 86:17 87:14 89:21 90:3 92:8 100:1 102:15 104:16 104:16,20 105:5,23 110:5 111:21 117:5, 14 121:9,23 134:17 137:22 138:7 140:8 142:14 147:3 150:5 154:10,11 156:24 163:4 164:6 165:9 169:5 176:23 181:3 183:18 189:23
		<b>K</b>
		<b>keep</b> 36:23 57:4,8 100:15 189:2,10 190:2 <b>keeping</b> 144:11 <b>keeps</b> 188:19 <b>Ken</b> 4:6 5:16 <b>kill</b> 60:13 91:13 <b>kind</b> 13:9 16:20 21:9 29:15 35:2 36:14, 19 37:17 39:9 40:7 44:14,15 45:1 57:7 58:17 60:3 61:19 65:17 69:13 74:2, 24 77:8 80:4 83:13 84:20 88:3,8,20 97:17 118:14 130:2 140:23 142:11
	<b>J</b>	
	<b>jeopardize</b> 52:24 156:19 <b>job</b> 7:2 124:11 179:13 <b>Joe</b> 100:17,18,19 <b>John</b> 37:3 37:3 <b>join</b> 14:16 29:22 <b>joined</b> 5:21	

179:16 184:24 185:24 189:12 <b>Kirkland</b> 4:11 <b>Knicks</b> 56:24 144:24 <b>know</b> 9:6,13,17,18 10:6 14:21 15:20 16:3,21 18:1 23:9 25:21,22,23 27:14, 15,16 29:9,14 30:1 31:5 32:22 33:18 40:14,20 41:20 43:11,12 46:8 50:9, 11 60:16 63:8 64:25 65:8 67:8,11, 16 68:21 70:3,18, 20,22 71:10,11,15, 21 72:4 74:13 75:25 76:17,20,24 77:2,3,9,22 81:5 81:5,6 82:18 84:9 85:18 89:6 91:3,11, 12 92:9 96:19 98:18 102:22 104:6 105:4 106:12 108:21 118:12,14, 19 119:11,24 120:7 121:9,24 122:12 124:3 126:13 127:20,25 129:15 130:19 131:9,10,12, 23 134:6 140:24 142:10 144:6,10,24 145:13 148:22 149:1,20 153:1 155:2,5,19 156:25 157:1 161:23 165:5, 9,14,16,18 172:9, 10 173:3,4,17 174:13 179:9,11 181:14 184:20 188:1,2,13,24 189:17 189:17,20, 22 <b>Knowing</b> 86:8,10 174:9 178:11 <b>knowledge</b> 8:18 9:15, 16 13:10 22:3 23:2 29:10 30:8 37:19 79:3,20 83:14,16 98:3 124:19 162:2	182:13,19 <b>known</b> 25:25 29:15 35:23 36:23,24 37:24 69:9,10,25 91:10 143:23 187:1 <b>knows</b> 158:7 182:18  <b>L</b>  <b>label</b> 59:6 66:13 83:17 95:1,2,7 139:15 139:15 140:10 144:5,6 148:3 <b>labeling</b> 18:14 66:22, 23 87:4 148:7 <b>labels</b> 94:13,15 95:12 <b>lacking</b> 65:10 <b>Laden</b> 37:7,8 38:2,9 <b>lag</b> 110:2 <b>laid</b> 108:11 111:16 <b>language</b> 105:13 <b>large</b> 22:7 34:4 139:21 <b>last</b> 24:23 25:18 29:5 143:2 <b>later</b> 107:13,23 <b>latest</b> 41:8 57:7 <b>latter</b> 87:18 <b>law</b> 6:23,25 49:4,8, 16 60:22 122:20 125:4 129:20,25 130:21 132:7,13 133:14 138:13 155:4 163:20 174:10 174:10,17 184:10 185:1,9 <b>laws</b> 130:8,18,18,19 131:3,8,10,19 132:3,7,9,17 133:1, 3,7 164:7 <b>lawsuit</b> 5:17 12:1 <b>lawyer</b> 70:18 164:24 <b>lead</b> 124:8 <b>leaders</b> 179:4 <b>learning</b> 18:13 59:22 66:14,21 <b>least</b> 10:7 66:6 161:16 184:13	<b>leave</b> 28:4 83:9 162:19 163:5 <b>leaving</b> 30:22 <b>led</b> 29:18 <b>Legal</b> 4:16,19 50:10 69:16 174:19 186:19 <b>legitimate</b> 38:23 39:2 40:1 <b>less</b> 63:5 99:23 <b>let</b> 48:24 54:20 61:9 70:19 72:3 82:17 98:18 105:8 115:21 121:9 122:12 129:15 149:1 165:18 184:20 <b>Let's</b> 5:17 9:21 13:11 20:7,9 21:19 32:2 43:17 44:25 45:6 53:16 55:11 58:16 60:7 65:11 68:4 72:3 77:15 81:25 98:15 135:14 137:20 150:16 159:16 159:16 163:3 171:4 183:6 <b>level</b> 15:13 59:10 80:24 145:5 158:24 161:13 162:3 185:8 187:9 <b>levels</b> 70:2,3 <b>Levine</b> 28:9 <b>lexicons</b> 60:5 <b>lie</b> 143:15 <b>lifesavers</b> 33:23 <b>Like</b> 8:10 10:3 20:21 21:15,17 27:20 31:1 33:11 33:11 34:3 36:1 37:16 38:1,4 40:24 47:18 51:1,2 52:18 52:18 59:9,23 60:14 63:6, 22 64:5,25 66:2 70:7 74:3 77:12 80:5 82:18,20 84:12 88:7 90:9 91:19 94:5 112:7, 11 113:12 116:11 119:15,25 127:24 129:18 141:8
---	---	---

<p>142:15 145:6  151:22 154:5 156:5  159:9 163:11  166:17 181:25  187:5  <b>liked</b> 20:3 100:4  <b>likelihood</b> 61:25  <b>likely</b> 14:24 20:21  38:19 72:1 74:15,  22,23 97:23 118:1,  5 146:1 159:11  <b>likes</b> 15:9 19:11  <b>likewise</b> 14:20  118:16 148:1  <b>limited</b> 146:20  <b>line</b> 16:20 77:7,12  86:23 90:22 107:12  157:10,11  <b>lines</b> 185:1  <b>link</b> 21:9,10  <b>links</b> 36:21  <b>list</b> 37:15,16 93:14  114:24 151:6  <b>listed</b> 127:18  <b>lists</b> 31:2  <b>little</b> 5:17 17:11,15  32:25 40:18 54:21  74:11 142:1,11  170:23 172:3  <b>live</b> 91:16  <b>lived</b> 33:11  <b>lives</b> 45:10  <b>living</b> 88:5 97:6  97:6  <b>localization</b> 131:16  <b>located</b> 4:11  <b>lodge</b> 23:14  <b>logical</b> 161:15  <b>long</b> 5:19 35:3 57:9  87:22  <b>longer</b> 106:14 111:18  147:19  <b>look</b> 9:22 16:5 47:18,  25 48:7 52:17,18,  19 54:21 82:17  98:22 105:2 109:10  111:2 141:12  145:22 150:24  154:10 183:22  186:7 187:5</p>	<p><b>looked</b> 147:16  <b>looking</b> 19:9 47:12  86:25 136:24  149:18 170:20  184:10 186:24  <b>looks</b> 7:13,14,15  10:3 21:15 59:22  61:22 82:18 84:12  129:18 151:22  <b>loose</b> 8:15  <b>Loosely</b> 8:14  <b>lot</b> 8:23 13:9 18:12  26:16 29:12 29:12  40:7,16 41:5,7  43:11,12 46:9  47:10 66:22 67:3,5  85:7 126:5 145:2  <b>love</b> 144:21  <b>Lower</b> 70:5</p>	<p>166:23 168:20  169:12  <b>makes</b> 60:24 65:1  88:18 114:14  176:16  <b>making</b> 18:20 21:14  62:4 62:4,5 83:1,4  113:21 114:6 148:9  154:3 170:23  <b>manage</b> 39:23 40:1  <b>management</b> 27:25  151:4 151:4  <b>manager</b> 182:18  <b>manipulating</b> 95:23  96:1  <b>manner</b> 177:11 178:5  <b>manual</b> 63:22  <b>many</b> 8:16 12:11,24  19:15 25:13 32:18  37:14 39:4,8,9,22  43:13 59:5 66:5  86:21 88:4 104:6  109:22,23 139:6  156:12 187:15  190:3,11  <b>mark</b> 13:16 105:13  111:15  <b>marked</b> 13:19 83:21  105:16 112:21  <b>market</b> 86:24  <b>marketing</b> 26:7  <b>markets</b> 33:4  <b>Marking</b> 112:16  <b>Marne</b> 28:9  <b>M-a-r-n-e</b> 28:12  <b>massive</b> 127:1 127:1  <b>material</b> 35:11  118:13  <b>math</b> 157:18,25,25  188:14  <b>matter</b> 4:5 7:6 7:6  9:2 72:13 73:11  85:25  <b>matters</b> 162:3  <b>may</b> 14:19 21:10  26:10 33:7 40:22  43:12,13,14 46:11  47:3 50:9 54:8  55:12 59:6,10,12,  14,18,23 63:2,5</p>
	<b>M</b>	
	<p><b>machine</b> 18:13 59:21  66:14 66:14,21  <b>macro</b> 157:12  <b>made</b> 11:3 18:8 19:25  27:11 40:2 41:1  83:4 87:16 88:14  109:15 113:5 160:7  180:8 189:13  <b>main</b> 28:1,5 106:8  121:7 122:9  <b>maintain</b> 49:9,11,17  <b>majority</b> 21:3 34:4  69:20 102:2 157:16  <b>make</b> 40:23 43:6  48:16 51:23 52:21  56:4 58:10 59:11  60:6 62:2 68:19  69:11 70:5 74:12  86:12 87:19 89:11  97:17 108:24  113:17 116:7,12  118:15 119:5,7,19  123:3 126:1 128:21  132:7 136:10  143:14 144:1  145:15 147:23  154:6,16,22 155:7,  15 161:3 163:7</p>	

<p>66:11 69:11 70:5  71:1,5 72:14,15,17  73:10,17 75:24  80:18,20 82:15  85:21,22 88:9,25  90:13,20 91:4,10  94:24 95:21 99:12  100:9,19,19 101:14  102:11,14,21  103:18,20 104:3,8  106:13,15 107:4,14  108:20 108:20,25  109:2 109:2 111:18  114:10 116:13  118:2,9 122:9  133:18 139:9,12,20,  24 140:2,13 141:15  143:16 147:17,24  148:2 156:4 159:4  161:19 162:15,25  164:2 168:9 171:2  172:1 174:16,18  176:3 180:12  182:18 185:20  <b>maybe</b> 5:20 17:10  20:25 34:12 39:18  42:12 46:22 47:9  52:24 56:6 56:6,22  63:8 65:12 69:4  70:1 79:19 87:18  115:13 125:6  137:19 139:8  140:12 141:25  142:15 144:23  155:9 159:9,16  166:17 169:8,20  182:3  <b>McCARRICK</b> 5:8 13:14  16:11,18 20:23  22:16 28:21 30:2  31:8 34:6 38:25  39:15 44:21 48:25  49:10,19 51:9,17,  20 52:9 53:5,13  54:4,16 55:4 61:2  63:25 64:10 77:25  79:23 81:19 83:8,  11 84:5 92:14,23  93:5,11,16 105:7,  24 107:1 108:6,13</p>	<p>111:9 112:8 115:7,  19 117:22 124:25  125:23 127:9  130:11 135:19  137:4 141:20 149:9  150:22 154:25  157:22 167:3 170:9  182:16 183:18  186:2,16 189:4  190:18,23  <b>mean</b> 12:13 14:24  27:15 27:15 39:2  42:25 46:19 55:9  57:1 64:12 67:20  69:4 70:15 72:25  96:2 106:3 119:13  124:5 125:19 126:9  146:10 159:25  169:23 170:4  177:19  <b>Meaning</b> 45:18 136:14  165:7 189:11  <b>meaningful</b> 14:8,11  51:23 142:7,21,22  180:23 182:8  <b>means</b> 33:1 45:15  54:25 55:7 57:24  116:18 122:23  123:1 124:4 138:12,  14 155:10 156:1  161:12,18 163:18  169:24 187:7 188:8  189:8  <b>meant</b> 44:4 52:6  70:13 96:10 139:14  141:4,6 147:4  <b>measurably</b> 157:15  <b>measure</b> 146:21,22  <b>measures</b> 20:5 96:24  157:5  <b>mechanisms</b> 146:3  <b>media</b> 37:10 93:24  94:4,15,17,19,20,  22,24 95:7,15 96:7  98:8,13 107:12,18,  20,23 122:8 132:13  143:20 148:6 151:2  162:1 169:19 183:9,  14  <b>meet</b> 87:7 88:5 108:4,</p>	<p>11 109:3 111:15  143:24 145:15  170:4 177:3  <b>member</b> 8:6 9:6  <b>members</b> 8:17 22:6  29:24 30:8 72:15  74:19 79:6 179:11  <b>membership</b> 8:3,5,12  9:4,19  <b>mental</b> 92:12,21  <b>mentioned</b> 12:22  24:22 31:5 36:18  59:1 62:13 73:21  81:6 84:24 85:7  88:2 101:11 125:11  138:5 140:15  143:12 181:10  <b>mentions</b> 41:9 138:22  <b>met</b> 110:3  <b>metrics</b> 17:3,23  <b>might</b> 7:23 20:22  27:21 29:1 68:5  147:20 162:4,19  163:5 182:11  <b>military</b> 82:3 83:24  84:17 85:13  <b>military-led</b> 85:24  <b>mill</b> 112:1  <b>millions</b> 39:13  <b>mind</b> 81:7 156:11  158:18 161:16  <b>mine</b> 43:15  <b>minute</b> 53:16 189:12  <b>minutes</b> 155:22  <b>misinformation</b>  93:25 94:7 95:17  124:8 131:15  143:17 147:6  <b>misread</b> 107:14  <b>missing</b> 17:15 144:3  <b>mission</b> 32:11 33:3  <b>misspoke</b> 149:20  <b>misstatements</b>  143:14  <b>mixed</b> 148:11  <b>mobile</b> 33:16  <b>model</b> 117:25 118:10  148:8  <b>modeling</b> 118:4  <b>moderate</b> 19:16 48:23</p>
--	---	--

<p>49:12 51:10 84:25 123:15 127:6 128:5, 13 132:14 156:12 160:8,18 180:6 <b>moderated</b> 126:10 <b>moderates</b> 114:2 124:22 125:21 151:8 <b>moderating</b> 49:18 114:6 <b>moderation</b> 19:21 21:6 45:10,14,15, 16,18,25 49:21 71:16 84:14 124:13 138:15,19 156:20 161:18 164:10,13 167:11 182:14 <b>moderator</b> 70:13 <b>moderators</b> 68:12 86:21 109:22 <b>modifications</b> 126:8 <b>modifies</b> 105:22 <b>modify</b> 126:5 132:19 133:2,13 <b>moment</b> 31:5 95:3 117:18 146:13 174:1 <b>monetize</b> 45:22 <b>money</b> 128:21 157:19 <b>Monica</b> 182:21,23 <b>monitor</b> 92:2 <b>month</b> 77:23 <b>month-long</b> 88:20 <b>months</b> 12:21,22,24 182:6 <b>Moore</b> 4:18 192:2 <b>morality</b> 145:6 <b>more</b> 14:16,24 16:6,8 17:20 19:14 32:25 43:12,14 46:1,23 48:2 51:2,7 52:1,8 53:11,24 54:21,22 63:10 80:17 97:14, 23 104:16 113:23 126:13 132:22 141:14 144:22,23 145:5 159:2,11,13 161:15 163:1 170:17,19 175:8,20 176:5 180:4 182:11,</p>	<p>19,19 184:3 186:15 189:16 <b>Moreover</b> 184:1 <b>morning</b> 4:2 5:15 <b>most</b> 19:2,9 33:8 74:15 101:25 106:19 119:9 120:12 <b>mostly</b> 70:18 129:19 <b>move</b> 69:12 93:11 <b>moved</b> 57:21 <b>moving</b> 91:24 <b>much</b> 30:23 44:4 55:2 57:13 96:4 125:15 126:12 145:5 154:6 157:18 174:16 176:5,10,17 183:16 <b>multiple</b> 12:16 123:2 <b>mumblng</b> 144:10 <b>must</b> 97:3 145:10 154:15 166:12,22 169:20 <b>Myanmar</b> 75:21 82:1,3 84:8,13,21 85:10, 11,12,14 86:9,25 87:13,23 88:7 <b>myriad</b> 31:1 <b>myself</b> 59:15 67:8 70:16 141:23</p>	<p>37:15 53:1 58:9 80:14 106:18 173:3 178:8 <b>necessary</b> 136:10 157:3 <b>need</b> 16:12 35:17,22 47:7 70:19 105:1 147:10 177:3 188:14 <b>needed</b> 157:3 162:14 <b>needs</b> 36:11 47:13 61:1,13 62:9 65:11 88:5,6 152:3,10 <b>negative</b> 135:6 <b>negatives</b> 126:1 <b>Neil</b> 4:3 64:24 177:6 191:2 <b>NetChoice</b> 4:5 8:4,7, 13,19 9:8,14,19 <b>network</b> 102:12,18 143:19,22 147:10 <b>networks</b> 96:17 <b>never</b> 29:3 79:3 <b>new</b> 65:13 66:2,3,3 68:7 79:18,19,19, 22 87:23 101:9,10, 11,11 178:13 <b>news</b> 19:15 68:15 73:9 97:17 114:12, 13,15,16,18 115:24 118:25 119:2,4,8 140:9 158:21 185:12 188:11,22 <b>next</b> 21:21 24:12 26:8 27:8,20 32:24 78:10,14,17 95:11 117:4,8 168:14 <b>nice</b> 20:10 <b>nine</b> 55:1 <b>non</b> 172:24 <b>nonexistent</b> 125:3 <b>nor</b> 106:19 176:14 192:10 192:10,11 <b>normal</b> 92:8 <b>note</b> 109:15 147:8 <b>noted</b> 106:16 <b>Nothing</b> 35:3 56:12 113:4,25 118:22 190:17,18,21 <b>notice</b> 10:18 99:1,8</p>
	N	
<p><b>name</b> 4:15 5:15 10:24 28:10 30:14 35:18, 22,22,23,24 37:4 38:2,10,14,14,17 41:17,24 67:23 77:16 148:22 182:20 <b>named</b> 38:9 <b>names</b> 37:25 182:10, 17 183:4 <b>nation</b> 135:8 <b>natural</b> 176:23 <b>nature</b> 36:2 76:8 77:9 131:17 140:2 180:3 <b>natures</b> 91:20 <b>nearly</b> 125:15 <b>necessarily</b> 15:2</p>		

100:25 101:1,4 102:5 <b>notices</b> 102:7 <b>notification</b> 99:13 108:19 <b>notifications</b> 171:2 <b>notified</b> 98:23 <b>notify</b> 108:18 <b>November</b> 4:13 32:23 99:8 <b>Now</b> 26:10 31:3 39:24 46:21 55:19 58:24 60:16 64:15 65:21 78:7 84:21 85:23 86:12,19,19 89:2 94:25 96:15 105:2 110:16 122:1 124:15 130:22 134:15 138:13,19 139:2 144:21 154:3 157:15 161:14,17 180:12 182:3 185:10 <b>nuances</b> 89:12 <b>nudity</b> 69:9 103:11 <b>number</b> 7:5 9:18,25 12:17 15:17,19 16:1 19:19 22:5,9 24:21,25 35:25 38:4,16 41:10 56:19 57:5 57:5,15, 18,20 59:20 60:7 65:20,22 69:8 70:7, 22 71:22 76:3 77:5, 21 96:9 97:8 104:9, 18 109:8 111:15 150:16 151:24 157:11,12 159:1 175:15 177:2 185:4, 5 186:11 187:24 188:5 <b>numbering</b> 10:7 <b>numbers</b> 23:13 32:22, 23 54:6,18,24 57:10,18 70:25 71:3,5,14 76:3,6, 13,18 78:3,5,14 79:21 80:1,3 176:13 181:20 187:14,18 188:19	189:3,10,18,21,22 190:2 <b>nutshell</b> 20:24 30:24  <b>O</b>  <b>Object</b> 20:15 30:2 39:15 49:19 61:2 63:25 64:10 74:1 77:25 79:23 81:19 84:5 90:12,13,25 92:14 93:5 104:13 105:6,24 107:1,9 108:8 111:9 112:8 113:8 114:8 115:7 117:21,22 122:5 123:19 124:2 127:8, 9 128:22 129:23 130:10,11,24 131:5, 13,22 132:5,21 133:4,8,15,22 134:5 137:3,4 138:3 141:19,20 142:4,18 149:9 154:24,25 157:21, 22 164:1,11,17,22 165:4,15 167:2,3 175:2,10 177:8 189:4,14 <b>objection</b> 5:10,12 16:11,18,25 17:8 19:3,12 20:23 22:16 23:5 28:20, 21 31:8,23 32:10 34:6 35:20 36:6 38:25 39:6 41:3 42:11,20 44:21 47:20 48:1,8,25 49:10 50:7 51:9,17, 20 52:9 53:5,6,13 54:4,16 55:4 67:13 71:18 77:6 79:7 92:23,24 94:2,18 98:1 105:7 106:25 108:13 111:25 115:6,18,19,25 118:21 121:3,14 122:21 124:24,25 125:22,23 126:11 128:6 134:19	135:18,19 149:8 150:1,12,21,22 151:15 152:5,11 153:21 154:4 156:2 158:14 159:23 160:16 161:4 162:10,24 163:9 166:14 167:21 168:3,23 169:15 170:9 171:10 172:22 173:10,16 179:21 181:5 182:15,16 183:2 186:16,17 187:17 <b>objectionable</b> 26:9, 10 44:9 51:1 139:9 <b>objective</b> 141:7 <b>objectives</b> 168:11 <b>obligations</b> 69:15 163:24 <b>obstacles</b> 36:3,7,7 <b>obviously</b> 26:16 32:23 50:16 145:8 185:18 <b>occasion</b> 25:4 <b>occasions</b> 22:9 25:6 60:22 99:10,12 <b>occur</b> 85:14 159:14 <b>occurred</b> 186:12 <b>occurs</b> 64:21,22 146:15 <b>October</b> 93:9,18 <b>off</b> 6:4 10:1,7,11 69:23 98:8 116:7 119:5 136:15 144:4 155:18 159:12 160:21 161:20 161:20 162:1 163:15 183:8 190:25 <b>offense</b> 38:21 <b>offenses</b> 44:9 <b>offhand</b> 50:11 71:2 120:7 158:7 <b>officer</b> 28:8 158:6 <b>offices</b> 26:7 <b>often</b> 8:2 57:3 135:11 139:3 144:23 <b>once</b> 37:14,18 41:25
--	---	---



<p>111:2 146:5,12,18  <b>one</b> 5:9 6:14 15:8  16:4 17:18 19:22  24:24,25 25:8 25:8,  22 26:18 29:21  32:3 33:7 34:8,25  35:5 37:23 40:13  46:7 48:2,14 50:1  52:10,15 54:6 59:8  62:8 64:20 72:5  74:5,14,19 75:4  76:21 76:21 77:11  79:4 88:3 89:23  90:3 95:8 100:6  106:8 109:11 110:9  113:23 119:15  120:22 121:17  126:8 128:17  132:22 134:22  137:10,22,23 138:8  139:22 140:15,19,  20 142:15 144:25  146:21 148:19  150:16 151:24  156:11 158:17  161:8 163:1,12  183:18 185:17  188:21 189:14  <b>onerous</b> 185:20  <b>ones</b> 36:4 177:14  178:1  <b>one's</b> 158:21  <b>only</b> 50:6 54:25  55:25 55:25 59:3  74:25 155:24  180:20  <b>open</b> 32:9 37:22 52:8  83:9  <b>operate</b> 178:9 185:9  <b>operated</b> 180:15  <b>operates</b> 34:3  <b>operation</b> 75:23  <b>operational</b> 71:23  <b>operations</b> 27:24  65:25 68:11 71:24  74:10 76:8 78:21  80:10 95:23 96:1,  14 148:18 179:1  <b>operative</b> 96:20  111:12</p>	<p><b>opinion</b> 97:22 122:18  146:24,25 147:3,5,  6,14,22 148:10  174:19  <b>opinions</b> 148:20  <b>oppose</b> 96:12  <b>opposed</b> 51:18 179:20  <b>ops</b> 28:23  <b>opt</b> 101:7  <b>option</b> 100:20,22  101:1,4,15,17  144:17  <b>options</b> 120:2,4  <b>order</b> 121:22 132:20  133:3 174:7 176:12,  19 178:3,22  <b>org</b> 81:8  <b>organization</b> 29:19  66:3 73:19 81:7  94:25  <b>organizations</b> 37:7  50:25 85:2 103:11  <b>oriented</b> 51:2  <b>Osama</b> 37:8 38:1,9  <b>Other</b> 7:12,22 11:14,  22 13:2 15:21,22  16:3 20:5,18,21  21:5,8 24:8 25:20  28:13 29:10 29:10  34:12 36:3,4,16  38:17 46:25 53:11  56:13 64:23 69:20  79:2,13 96:12,24  97:8 99:11 100:13,  21 102:2 103:14,16  114:1 118:13 121:6,  17 122:16 128:2,3,  11 130:6 131:3  133:18 139:22  153:6 156:8,10,21  157:6 159:13  160:13 161:25  163:22,24 164:7  178:21 185:16,24,  25 190:15  <b>others</b> 35:1 44:12  72:18 76:9 131:15  <b>otherwise</b> 33:10,16  <b>ourselves</b> 48:16  <b>out</b> 15:20 17:4 22:17</p>	<p>60:16 66:20 67:9  68:7 69:16 71:10  72:9 74:3,25 76:20  86:16 89:1,6 90:10  103:2 106:17  108:11 111:1,16  119:2 130:21 135:3  143:7 147:9 148:5  156:11 170:5  175:19 177:3  178:13 181:19,20  184:3 192:5  <b>outcome</b> 60:6 141:11  192:12  <b>outcomes</b> 60:19  <b>outright</b> 143:14  <b>outside</b> 23:15 25:15  45:21 47:16,23  48:5,14 85:20,21  92:8 128:7 130:18  145:24  <b>outward</b> 78:6  <b>over</b> 6:5 35:8 35:8,  15 66:21 70:17  82:17 88:20 106:17  109:20 126:18  140:10 180:19  181:18 184:10  189:16  <b>overall</b> 56:3 114:13  <b>overarching</b> 140:24  <b>overlap</b> 54:10 117:2  <b>oversee</b> 7:5  <b>oversees</b> 106:7  <b>oversight</b> 72:1  101:15,17 103:6,15,  19,22 104:2,7  106:15 108:25  109:2  <b>own</b> 10:9,10 47:13  62:13 67:12 73:11,  12 113:1 114:15  115:24 117:20  148:2 158:10  166:19  <b>owners</b> 72:19 73:18,  19  <b>owning</b> 73:20  <b>owns</b> 81:5,6</p>
--	---	--

P		
<b>p.m</b> 4:14 183:10,14 191:1,4	<b>particulars</b> 41:16,19	56:1,9,19 57:22
<b>page</b> 13:12,21 16:9 21:20,21 32:5 113:1,6 117:4,6,7, 8 120:15,16,16 149:19 165:25 184:13	<b>parties</b> 33:24 192:10, 11	58:2,12 70:1,4,7,8 129:6,8,11
<b>pages</b> 14:14,15 21:1 43:3,4 114:24 115:1	<b>partly</b> 144:3 144:3	<b>percentage</b> 15:15 54:2,14 57:16 71:12,15 129:2 188:5
<b>pandemic</b> 88:24 88:24 109:17 176:25	<b>partner</b> 143:19,25	<b>perform</b> 177:7,10
<b>Paragraph</b> 13:11,21, 23 14:3 18:4 21:19 29:5 32:2 43:17 44:25 49:23 50:14 53:17 58:17 72:3,8 81:9,13,23 83:4,11, 23 89:22 90:5 98:15 104:4 105:5, 23 111:1 112:22,25 113:4,20,25 114:4, 21 115:5,17 120:13, 22 121:2,9,13 122:11 129:13,18 134:10 138:22 139:14 143:2 148:25 149:6 150:10 152:14 165:18,22 166:4,18, 24 170:8,12 171:4 173:25 174:5,22 179:14 183:23	<b>partnerships</b> 28:1	<b>performance</b> 160:1
<b>paragraphs</b> 50:5 114:1	<b>party</b> 123:5	<b>performing</b> 177:16
<b>paramount</b> 52:15	<b>Pass</b> 183:17	<b>perhaps</b> 40:19 43:11 74:17 80:16 88:23 121:22 128:16 139:10,17,23 140:3, 12 147:23 180:16 185:19
<b>part</b> 19:13 20:16 25:2 77:11 87:17 90:17 121:12 145:10 158:16 179:13 179:13	<b>past</b> 19:10,11 20:13 26:19,22,23 27:1,5, 9 77:23 96:4 110:22 161:24	<b>period</b> 99:22 110:1
<b>partially</b> 17:16	<b>patterns</b> 40:9,10	<b>permit</b> 117:19
<b>participate</b> 9:17	<b>pause</b> 148:13	<b>permitted</b> 43:23
<b>particular</b> 73:12 122:4	<b>Paxton</b> 4:6 5:17	<b>persist</b> 161:22
<b>particularly</b> 106:13 111:17	<b>pen</b> 87:20	<b>person</b> 23:12 34:8,9 35:9 37:4 38:8,19 40:19 48:14 60:15 64:25 73:19 74:5, 14,25 75:4,6 91:3 130:4 158:4
	<b>Pennsylvania</b> 4:12	<b>personal</b> 29:10 30:7 124:19 133:10 135:5 182:13
	<b>people</b> 14:13,14,18, 21 21:24 22:9 23:3, 7,11 24:9 29:6,14 31:21,25 32:12,14, 18 33:1,4,9,11,16, 19 35:10 36:16,20, 23,23 37:6 40:15, 16 43:7,12,12,14 44:14 45:16 48:13 51:22 52:3,21 57:3 59:1,17 65:23,25 66:13 72:20,21 73:10 81:4 85:9 86:24 88:22 90:19 96:12 106:9 109:21, 22 114:11 116:21 124:5 125:13 137:11,14 141:5 142:6,19 143:13,16 145:3,21 148:14 154:6 156:14 157:16 159:3 161:14 175:16 176:14 178:21 182:11	<b>Personally</b> 28:17 177:9,10
	<b>people's</b> 92:11,21 188:22	<b>phone</b> 23:13 35:25 36:1
	<b>per</b> 36:22 188:12,13, 16	<b>phrase</b> 151:12
	<b>perceived</b> 26:13	<b>physical</b> 139:23
	<b>percent</b> 21:3 53:24 54:22 55:13,16,25	<b>physically</b> 21:25
		<b>pick</b> 146:7 147:24
		<b>picking</b> 144:20
		<b>piece</b> 20:7,10 27:21 57:8 61:12 65:3 68:23 100:17 119:15 119:15 185:23 188:13,21 189:13
		<b>pieces</b> 16:3 54:25 55:1,12,13,15,16 56:8,10,11 57:21 59:2 76:3 77:5 104:12 137:20,24 143:11 145:20

<p>147:19  <b>pillars</b> 6:14  <b>place</b> 84:19,25 87:13  96:15,24 140:9  157:14 171:16  192:4,5  <b>placed</b> 156:15  <b>places</b> 34:17 151:7  158:9  <b>plaintiffs</b> 5:11 12:1  <b>plan</b> 82:8 182:4  <b>platform</b> 6:9 14:11  22:10 25:15 26:18  28:4 29:2 30:5,24  31:12 32:16 36:12  39:13 41:1 42:2,17  44:20 45:11 47:4,  12 51:11 52:22  53:2,3 56:14 72:21  74:18 75:15 85:19,  20,22 86:15 88:12,  22 95:18 100:16  107:13,19,20,23  122:9,20 123:14  126:22 135:7  137:15 139:2  140:22,24 142:24  143:9 144:1 151:2  154:8,18,22 159:12  160:22,24 163:5  168:22 169:14  172:14 173:9,22  186:12 187:1  188:10 190:11  <b>platform's</b> 107:20  169:19  <b>platforms</b> 159:13  162:1  <b>play</b> 17:4 90:17  <b>please</b> 4:20,25 72:5  105:20 109:11  121:18 150:3  <b>plenty</b> 114:1  <b>point</b> 20:25 25:15  37:23 47:2 56:22  59:1,18 64:6 85:16  86:3 93:12 100:6  103:3 105:21  109:15 114:9 115:3,  14,22 119:2 143:7</p>	<p>144:4,17 146:21  148:3 149:15  153:18,25 171:3  174:4,7 175:8  176:7,10,17,19  177:22 182:20  185:23  <b>pointed</b> 172:12  <b>points</b> 174:22 175:6  177:5,14 178:23  179:7  <b>policies</b> 7:25 19:20,  22 20:10 25:8,9,9,  12,13 26:13 35:23  42:3 43:16,22 44:1,  6 46:25 48:10  49:21 50:14,19  51:6,16 52:7,16,17  57:2 58:21 59:4,14  60:4,9 61:5 62:1  63:4,5,9 65:16,18  66:5,7 68:8,11  75:15 80:19 81:14  82:1 84:14,15,16  86:1,5,13,19,20  87:19,23 88:2,4  94:6 96:16 99:9  100:11 102:15  108:2 116:14  132:19 133:2,13  134:23 136:12,22  139:9,24,25 140:2  141:4 161:14  166:22 167:12  168:4,12 169:1,6,  19 170:2,15 184:1  <b>Policy</b> 5:25 6:4,6,10,  11,13,15,20 7:4,15  8:21 19:25 22:12  47:13 48:10 56:22  59:17 66:6,16  69:25 71:25 72:15  73:4 74:9 78:20  80:21 99:7 100:19  137:25 140:7  148:17 166:9 167:7,  19 168:7,15,19  169:9,11 186:25  <b>policy-violating</b>  107:22</p>	<p><b>political</b> 97:3 123:5  138:6 139:21  <b>politics</b> 96:19  <b>poor</b> 56:7  <b>pop</b> 119:23  <b>portfolio</b> 36:14,15  74:15  <b>portion</b> 121:24 179:3  <b>position</b> 6:5 22:11  25:2 46:9 123:24  133:20 134:2,7  136:3,15 137:10  167:8 182:1  <b>positions</b> 123:7  <b>positive</b> 36:13 36:13  52:2,3  <b>possibility</b> 163:11  <b>possible</b> 15:19  163:12  <b>Possibly</b> 126:12  <b>post</b> 43:14 59:2  61:24 70:7 74:19,  20,23,25 78:12  83:15,20 91:11  99:6,11,11 112:20  161:15 174:14  187:5  <b>posted</b> 61:16,17 99:8  100:3 102:24  110:13,17,19  143:12 187:10  <b>posting</b> 43:6,7 72:25  99:16 154:1  <b>posts</b> 73:10 78:11  87:15 95:12 109:25  143:15 153:13  <b>potential</b> 61:23,24  62:7 85:13 86:7  87:7 87:7 90:11  106:7 109:25  144:22 148:20  160:21,23 162:15  <b>potentially</b> 91:7  92:6 107:22 123:7  143:14 148:10  160:8 175:17  186:18,23,25 187:3  <b>Potts</b> 4:4 5:15 11:6  64:24 177:6 183:15,  22 186:3,7 190:20</p>
---	---	---

<p>191:2</p> <p><b>power</b> 14:22 32:12 33:1,5</p> <p><b>Poynter</b> 143:22 147:10</p> <p><b>Poynters</b> 143:24</p> <p><b>practical</b> 180:9,11</p> <p><b>practice</b> 62:13 112:14 187:7 189:8</p> <p><b>practices</b> 43:22 44:2 82:2 124:13 132:19 133:2,13 151:5</p> <p><b>praise</b> 89:5</p> <p><b>praising</b> 89:10</p> <p><b>precedential</b> 103:20</p> <p><b>predator</b> 38:13</p> <p><b>Predicting</b> 175:19</p> <p><b>present</b> 27:4 78:6 119:7,8 120:2,3 162:8</p> <p><b>presented</b> 15:4 26:25 100:20 101:1,19,20 118:14 152:4,10</p> <p><b>president</b> 5:24 7:3 8:21 22:12 25:3 133:11 177:15</p> <p><b>press</b> 119:22</p> <p><b>pressed</b> 119:17</p> <p><b>pressing</b> 118:19,23</p> <p><b>pretty</b> 84:7 116:19 179:25 180:10</p> <p><b>prevent</b> 37:25 86:14, 15 124:11 137:15</p> <p><b>preventing</b> 86:5</p> <p><b>prevention</b> 90:7,23 92:13,20</p> <p><b>prevents</b> 118:22</p> <p><b>previous</b> 86:8 109:16</p> <p><b>previously</b> 6:22 65:14 122:2 146:2</p> <p><b>primarily</b> 16:5 45:12 90:10,14 128:24 131:12 160:6</p> <p><b>principles</b> 88:4</p> <p><b>prior</b> 12:24 179:2</p> <p><b>prioritization</b> 188:12,18</p> <p><b>prioritize</b> 14:6 45:20 158:19</p> <p><b>priority</b> 7:7</p>	<p><b>privacy</b> 52:25 63:6,7, 9 131:14 141:2 164:23</p> <p><b>private</b> 96:6 109:24</p> <p><b>privately</b> 103:12</p> <p><b>proactively</b> 55:12,16</p> <p><b>proactivity</b> 57:23</p> <p><b>probably</b> 67:7 127:16 143:8 145:3 182:5</p> <p><b>procedures</b> 172:13 173:1,8,12,15,18, 21,24 175:13</p> <p><b>Proceedings</b> 191:3 192:4,5,7</p> <p><b>process</b> 67:10 78:22 88:1 100:1,7 101:6 102:25 105:5 110:1 176:15,21,22,24</p> <p><b>processes</b> 59:25 65:25 103:3</p> <p><b>produce</b> 157:3</p> <p><b>product</b> 68:17 73:17, 18,18,20 132:7,8 142:6,8,20 150:19 178:8,11</p> <p><b>products</b> 68:17,21 74:10 88:19 158:10, 11</p> <p><b>professionals</b> 178:25</p> <p><b>profile</b> 37:12 38:6, 10</p> <p><b>profits</b> 95:16</p> <p><b>program</b> 92:20</p> <p><b>programmers</b> 66:17 67:17</p> <p><b>prohibit</b> 51:18 115:16 122:19 123:25</p> <p><b>Prohibited</b> 116:2</p> <p><b>prohibits</b> 118:20</p> <p><b>promising</b> 111:6</p> <p><b>promote</b> 46:11 52:1 52:1 97:18,19</p> <p><b>promotes</b> 151:8 158:9</p> <p><b>promoting</b> 171:16</p> <p><b>propaganda</b> 69:9</p> <p><b>property</b> 51:4</p> <p><b>proprietary</b> 156:5 158:24 171:18,22,</p>	<p>24 172:1,8,10</p> <p><b>protect</b> 72:11 73:6 93:19 95:22</p> <p><b>protest</b> 139:21 139:21</p> <p><b>protocols</b> 65:20 66:1, 7 136:11</p> <p><b>proud</b> 33:8 96:15</p> <p><b>prove</b> 24:6 29:20 38:5 78:8</p> <p><b>provide</b> 33:25 34:2 60:21 76:2 77:4 79:15 90:4 106:22 107:4 113:16 149:24 150:18 151:13,19 154:21 160:20 164:8 172:20 174:11 186:10 187:9,14,18 188:5</p> <p><b>provided</b> 37:2 99:1 107:21 150:19</p> <p><b>providers</b> 35:11</p> <p><b>provides</b> 75:10 100:25 106:24 163:23 186:15 187:25</p> <p><b>providing</b> 33:14 153:18 155:14,17</p> <p><b>provision</b> 115:4,15, 22 121:1,7,12 133:17 165:21 171:1</p> <p><b>provisions</b> 121:6 169:2 181:2</p> <p><b>public</b> 22:7 25:9,10 29:13 29:13 34:5 79:6,13 96:2 97:9 139:10,11 140:17, 18,20 141:12,13,18, 23 142:2,16 154:3 171:12</p> <p><b>public-facing</b> 83:15 153:13</p> <p><b>Publicly</b> 30:4 31:11 170:16 184:2</p> <p><b>publish</b> 72:22 74:5 79:16</p> <p><b>published</b> 84:3 94:12 95:21</p>
--	--	--

<p><b>publishes</b> 72:9 73:23  <b>publishing</b> 72:24  73:7 166:19  <b>pulled</b> 166:4  <b>purchase</b> 154:17  168:21 169:13  <b>purchased</b> 60:16  <b>pure</b> 102:3  <b>purely</b> 102:17  <b>purports</b> 60:12  170:16,19 184:2  <b>purposes</b> 77:18 89:17  134:23 136:7  <b>pursuant</b> 186:20  <b>put</b> 61:9 96:23  106:17 115:21  <b>puts</b> 138:18  <b>putting</b> 20:8</p>	<p><b>quickly</b> 77:23 79:20  81:17 82:1 84:8,10  99:13,21 106:10  183:23  <b>quite</b> 185:7 188:8  <b>quote</b> 166:4 170:7  <b>quote/unquote</b>  156:13</p>	<p>60:14 183:23  <b>realize</b> 185:11  <b>really</b> 33:7 35:2  64:2 88:16 96:12  101:21 159:24  162:3 163:10  185:20 186:23  <b>realm</b> 180:18  <b>reask</b> 105:19  <b>reason</b> 66:12 70:19  116:24 141:16  170:7  <b>reasonably</b> 168:7,9  169:4,20,22,24,25  <b>reasons</b> 30:4 31:6  111:16 181:9  <b>recall</b> 12:17,25 31:2  170:10 184:6,9  185:3  <b>recalled</b> 170:25  <b>receive</b> 22:13,21  88:10 99:7 116:8  129:3 129:3  <b>received</b> 78:23 85:6  89:6  <b>receives</b> 107:19  <b>receiving</b> 64:24  68:20 87:1,2  <b>recently</b> 103:12  104:17  <b>Recess</b> 98:10 183:11  <b>recipients</b> 68:18  <b>reclaim</b> 59:18,19  <b>recognize</b> 16:4 66:14  97:10 140:7 141:3,  11 143:8  <b>recognizing</b> 130:3  <b>recommendations</b>  158:22  <b>record</b> 4:23 10:12  98:8,12 183:9,13  191:1 192:7  <b>recorded</b> 192:6  <b>recount</b> 59:15  <b>recourse</b> 98:22  <b>refer</b> 103:19,21  143:5  <b>referrals</b> 108:24  <b>referred</b> 50:22  <b>referring</b> 6:19 39:18</p>
<p><b>Q</b></p>	<b>R</b>	
	<p><b>racial</b> 79:19  <b>racist</b> 122:16,19  123:25 124:6,21  125:20 126:9,15  <b>radio</b> 101:8 119:22  <b>random</b> 118:8,11  <b>ranging</b> 40:14 50:23  65:21  <b>rank</b> 45:20 136:14  188:9 188:9  <b>ranked</b> 20:12  <b>ranking</b> 13:23 14:4  20:2 116:20 151:9  158:18 185:13  <b>rankings</b> 16:9 18:4,8,  10,17,18,25 19:8  <b>ranks</b> 46:10 97:15  153:8  <b>rate</b> 66:12  <b>rates</b> 6:8  <b>rating</b> 147:12  <b>Ray</b> 21:13 118:7,8,19  <b>reach</b> 145:2  <b>reaches</b> 94:20  <b>read</b> 10:20 21:21  32:3 53:16 57:12  95:24 104:23 116:3,  13 117:14 121:21  122:12 129:21  134:14 168:25  170:24 184:19  <b>reading</b> 34:11 117:5,  9 147:21 168:6  169:18  <b>reads</b> 32:7  <b>ready</b> 72:4 81:11  98:18,19 121:10,11  134:12,15  <b>real</b> 35:22 40:3</p>	

<p>50:16 69:13 80:12 81:21 121:2,13 150:24 170:18 171:21 185:2 <b>refers</b> 128:1 <b>reflect</b> 96:3 <b>reframe</b> 17:11 146:9 <b>regard</b> 8:13 <b>regarding</b> 92:11 93:9 130:22 130:22 151:3,6 154:17,22 164:9 168:20 169:13 179:7 <b>regardless</b> 15:13 42:9,18 <b>regards</b> 105:23 113:5, 21 172:2 <b>Registered</b> 192:2 <b>registry</b> 37:4,17 <b>regularly</b> 72:9 <b>regulate</b> 130:9 131:4 133:1,21 134:4 153:7 <b>regulation</b> 130:20 134:8 <b>regulations</b> 131:9,11 156:15 164:7 <b>reign</b> 89:3 <b>relate</b> 159:18 <b>related</b> 44:2 71:16 94:13 95:13 164:9 192:11 <b>relates</b> 165:3 <b>relating</b> 43:22 <b>relation</b> 164:16 <b>release</b> 78:6 <b>relevant</b> 14:8 <b>relied</b> 83:1 110:10 <b>relies</b> 58:19 <b>relieved</b> 183:16 <b>religion</b> 123:4 <b>religious</b> 138:6 <b>rely</b> 45:13 83:3 91:2 <b>relying</b> 109:20 <b>remember</b> 10:1 <b>removal</b> 46:2,6,7,7,8 53:10 100:8,10,25 107:20 185:17 186:11 187:20 190:9</p>	<p><b>removals</b> 76:10 190:13,15 <b>remove</b> 19:23 41:10 45:19 53:25 55:10, 14 72:10 73:6 75:6 88:15 88:15,16 96:17 99:17,19 102:15,16 124:21 134:24 135:10,11, 15 136:11,14,22 137:12,14 139:17 141:8 147:24 187:21 <b>removed</b> 54:3,8,12,15, 23,25 55:1,24,25 56:2 56:2,4,8,11, 12,16,18,20 57:6, 19,24 58:8,13 65:11 76:4 77:1,5, 22 79:22 80:18 98:21,24 99:1,2,4, 5 100:24 101:12 102:6,8,11 103:1,7, 16 111:3,8,22 139:10 181:13 187:15,21 190:11 <b>removes</b> 37:12 136:19 <b>removing</b> 24:14 51:24, 25 52:20,21,22,24 55:19 88:12,13 102:21,22 <b>rep</b> 28:25 <b>repeat</b> 16:12 19:4 42:12 48:2 53:7 92:16 113:23 115:13 123:20 125:24 132:22 134:1 150:2 153:22 163:1 166:15 <b>repeated</b> 21:15 137:13 <b>rephrase</b> 27:6 <b>report</b> 38:19 41:9 57:17 62:14 64:15, 17 65:3,5 68:4 71:1,5 75:24 78:10, 14,17 80:13,24 95:22 115:1 153:19 154:1 157:4 162:22 184:17</p>	<p><b>reporter</b> 4:18,25 192:2 <b>reporting</b> 29:13 62:10,19 69:15,18 75:5 86:11 91:4,25 94:4 163:23,24 164:15,20 165:2,6, 8 181:12 <b>reports</b> 29:14 33:21 53:25 55:17 78:7 80:14 87:1,2 91:3 94:10 153:11 154:20 157:9 <b>represent</b> 5:16 7:17, 23 38:6 <b>representing</b> 101:24 <b>request</b> 79:14 82:23 90:1 117:15 149:3 184:21 <b>requested</b> 79:12 151:20 <b>requesting</b> 103:14 151:18 <b>require</b> 60:10 149:4, 24 150:9,10 164:8 174:24 175:6,8 185:9 186:14 <b>required</b> 153:15,16 154:15 156:6 167:16 171:1,7,14 172:20 174:9,17 176:6 177:7,10 <b>requirement</b> 152:19 155:22 166:7 171:13 179:17 <b>requirements</b> 47:5,7 107:25 108:16 164:15,20,25 165:2, 7,8,23 174:23 <b>requires</b> 80:16 151:12,23 164:5 168:19 169:11 <b>requiring</b> 174:10 <b>resident</b> 97:5 <b>resolve</b> 75:25 <b>resolving</b> 72:20 <b>resource</b> 176:9 <b>resources</b> 26:17 156:25 157:1 174:25 175:7,9,12</p>
---	--	---

176:1,5,11,14,18 178:15,19,21 <b>respond</b> 87:23 <b>Response</b> 6:20 81:14 82:2 84:12 89:1 <b>responses</b> 75:16 75:16 <b>responsible</b> 47:6 <b>rest</b> 109:1 132:12 <b>restrict</b> 51:18 <b>restricting</b> 51:7 52:7 <b>restriction</b> 53:10 <b>result</b> 62:19 63:16 92:12 122:20 124:22 133:14 162:20 163:5,6 <b>results</b> 172:14 173:9, 21 <b>retain</b> 92:5 <b>retains</b> 92:21 <b>retention</b> 27:13 92:8, 11 164:16 165:3 <b>revenue</b> 16:10,17,24 17:19,22 128:24 129:3 <b>review</b> 11:7 13:25 22:24 45:4 58:20 60:8 62:3,6 63:12, 14 82:16 87:2 92:1 101:10 103:6,22 106:4,5 108:1,17 109:17,19 111:7,19, 23 112:2 115:9 143:25 145:18 146:8,15,18,18,20 179:1 189:25 <b>reviewed</b> 136:25 147:15 <b>reviewer</b> 59:25 60:1 62:22 63:1 106:6 <b>reviewers</b> 59:5,6 60:20 63:14 126:19 <b>reviewing</b> 15:10 146:23 148:20 149:1 <b>revision</b> 65:18 68:8 <b>rewriting</b> 149:21 <b>right</b> 7:18,21 22:18 32:15 39:5 41:2	50:17 51:8 60:6 64:14,15 66:19 69:2 73:2 81:15 83:25 84:3 89:12 100:17 103:25 109:9 110:14,16 111:24 113:7 115:1 120:24 122:1 124:15,17 129:22 130:22 136:20 140:17 141:10 151:25 154:10 161:3 165:23,24,24 168:16 173:15,22 175:1 177:24 178:17 187:16 <b>rights</b> 7:14 29:18 73:14 <b>rival</b> 157:6 <b>robust</b> 43:21 44:14 80:1 <b>Rohingya</b> 86:10 <b>room</b> 50:15 51:15,16 53:11 73:9 <b>Rosen</b> 41:24 68:2 73:21 74:22 <b>route</b> 62:25 63:13 64:21 70:6,9,11,12 <b>routed</b> 62:21,24 63:23 87:1 <b>routinely</b> 29:16 65:17 <b>routing</b> 62:2,6 <b>rule</b> 89:9 <b>ruled</b> 104:16 <b>rules</b> 6:8 42:6 42:6 45:21 60:5 70:17 95:10 123:3 130:5 153:5 155:19 <b>run</b> 15:11 60:24 75:23 112:1 <b>running</b> 97:2,7 114:17 <b>run-of-the-mill</b> 111:21 <b>runs</b> 19:24	23:4,19,22 24:4,10 26:18 30:9 126:25 160:20 161:19 <b>Safety</b> 5:25 6:10,17 7:3,8,9,9 8:20 22:12 26:15 51:2, 11 52:18 65:23 72:17 74:16,18 77:10 86:2 113:7 126:22 133:11 141:1 160:9,10 161:21 <b>said</b> 12:6 25:17 26:1 31:17 34:14,17 46:24 67:3 70:12 75:10 102:7 106:22 118:3 122:2 134:16 142:14 156:4 163:16 181:24 185:2 <b>sake</b> 163:4 <b>salacious</b> 96:10 <b>same</b> 9:3 10:7 16:18 21:20 40:15 40:15 42:9,18 43:7,8,15 59:14 71:11 92:23, 24 101:1 102:23 115:19 118:6 137:21 138:2 139:12 148:15 159:20 160:6 172:25 <b>satisfy</b> 139:9 155:20 <b>Saturdays</b> 107:24 <b>saw</b> 10:24 <b>say</b> 9:7 12:12,13 14:23 15:14 20:7,9 23:8 24:5 26:24 31:11,15,20,24 34:5,16 35:17,21 37:13 38:1,21 39:12 46:18 46:18 49:3 55:2,5,11,14, 18 56:24 57:20 58:14 59:22 62:5, 22,23 64:11 65:11 69:23 70:10,11 73:18 77:15 78:7 84:7 86:13 87:14 89:9 97:5 100:18
	<b>S</b>	
	<b>safe</b> 21:25 22:10	



<p>102:14 106:11  107:3 108:21 110:5,  23 111:14 113:18  119:10 125:3  137:20 140:5,10  141:13 142:17  143:16 145:8  147:21 159:19  167:18 170:18  174:22 177:19  180:12  <b>saying</b> 27:19 33:23  53:9 91:13 108:4,  10 144:24 165:6  166:24 168:6  176:25 189:15  <b>says</b> 18:4,5,18 43:20  46:3 47:5 50:14  53:23 54:21 56:25  58:19 83:24 99:8  104:3,12 107:18  114:23 121:24  150:17 151:11  154:14 166:20  172:13 183:25  186:24  <b>scale</b> 58:21,25 59:3  87:7  <b>scam</b> 51:4  <b>scammer</b> 123:13  <b>scammers</b> 44:12  159:10  <b>scammish</b> 51:4  <b>scanning</b> 37:16  <b>scenario</b> 100:23  <b>science</b> 76:14,17  <b>scientist</b> 76:19,22,  23 77:16  <b>scientists</b> 71:9 76:9  77:4,17,18,20 78:4,  18 79:21 80:12  81:3  <b>score</b> 69:22 69:22  <b>scores</b> 70:3  <b>screen</b> 36:22 38:23  44:19 61:18 140:10  <b>screened</b> 61:13  <b>screening</b> 36:20  40:25 41:5,8,15  62:9 147:13</p>	<p><b>screens</b> 139:17  <b>scrutiny</b> 25:11  <b>search</b> 38:13 151:8  <b>second</b> 13:12,25  21:20,23 32:3  36:18 43:18 50:1  52:11 53:20 72:5  79:18 82:15,17  85:6 89:23 102:5  104:21 105:9  109:11 184:13  <b>secondary</b> 162:5  163:6  <b>seconds</b> 56:6  <b>second-to-last</b>  50:13  <b>secret</b> 158:25  <b>secrets</b> 153:3  <b>Section</b> 107:11,18  116:2 117:11 121:4,  16,17 127:14  149:22,23 150:5,8,  14 154:12 167:20  168:2,14,15,18  169:10,11,17 170:8,  21 184:15 185:3,5  186:8  <b>sections</b> 105:3,22  <b>security</b> 7:10,11,12  65:23 77:11 95:9  <b>see</b> 12:19 18:5 21:23  24:17 43:12,20  53:2,3 57:3 59:19  75:14 84:23 87:25  88:7,11,19,22  93:21,22 107:7  110:25 113:2,22,22  118:4,7,11,13  122:24 123:21  127:20,21 138:24  139:19 140:11  154:14 167:22  172:15 174:21  180:21 183:25  184:4,5  <b>seeing</b> 20:13 56:9  141:15  <b>seek</b> 99:20 101:4  156:14 178:5  <b>seeking</b> 8:17 108:24</p>	<p><b>seems</b> 40:12 70:1,8  108:16 128:11  <b>seen</b> 21:11 33:21  34:21,22 43:14  79:4 96:5 132:10  156:17 159:1  161:23  <b>select</b> 113:12 146:14  <b>self-harm</b> 90:20  <b>self-injury</b> 74:17  75:22  <b>send</b> 59:24 106:15  <b>sense</b> 8:5 35:24  44:23 56:4 65:1  114:14 142:9  <b>sensitive</b> 109:24  171:8,18  <b>sent</b> 109:22  <b>sentence</b> 21:23 23:3,  25 24:12 29:5 32:7  43:21 44:4 46:3,20  50:13,17,20 51:14  52:6 53:9,21 54:20  55:6,9,23 56:12  57:13 72:8 75:8  95:11,24 111:1  143:2 150:18 151:1,  23 170:14 174:21  <b>sentences</b> 98:20  <b>sentiment</b> 24:2  <b>sentiments</b> 24:1  <b>separate</b> 74:3,25  117:1  <b>separately</b> 101:2  <b>September</b> 90:5  <b>serve</b> 141:5  <b>serves</b> 5:11  <b>Service</b> 35:14 43:23  45:7 46:4,15,25  47:17,24 48:6,19  49:24 50:4 58:21  166:12,19,25  167:25 169:1  <b>services</b> 27:25 32:20  34:1 74:22 154:18  158:10,11 168:21  169:14  <b>serving</b> 139:11  <b>set</b> 10:9 33:4 55:20  124:16 147:9 192:5</p>
--	--	--

<p><b>seven</b> 97:9 120:19</p> <p><b>Several</b> 12:21,22 130:14</p> <p><b>severity</b> 61:23</p> <p><b>sexual</b> 35:11 36:24, 25,25 38:13,21 51:3 101:21 127:17</p> <p><b>shall</b> 107:13,23 151:2</p> <p><b>share</b> 89:16 124:6,7, 9 148:5</p> <p><b>shared</b> 100:4 139:6 144:23</p> <p><b>shares</b> 19:11</p> <p><b>sharing</b> 21:9,10,10, 12,15 40:10 127:16 135:2,5</p> <p><b>sharings</b> 15:9</p> <p><b>shift</b> 132:12</p> <p><b>shocking</b> 139:17 140:8</p> <p><b>short</b> 88:9 99:21</p> <p><b>Shorthand</b> 120:11</p> <p><b>shot</b> 89:7</p> <p><b>should</b> 9:25 43:8 44:11 46:22 48:7 109:15 112:20 121:21 134:3 147:22</p> <p><b>shouldn't</b> 62:5,23 145:3</p> <p><b>showing</b> 14:25 102:23 139:8,23 152:24</p> <p><b>side</b> 17:24 49:7,15 64:23 139:22</p> <p><b>sign</b> 35:7,13,18</p> <p><b>signal</b> 21:4,8 40:22 47:11 47:11,12 85:7 89:13 91:5 110:6</p> <p><b>signals</b> 16:5 20:17 38:17,18 40:8,23 41:7 44:14 60:15 60:15 61:22 88:11 90:18 91:10,17 116:9 117:25</p> <p><b>signed</b> 11:9 38:15</p> <p><b>significant</b> 16:7 59:10 110:2</p> <p><b>signing</b> 37:9 38:24</p>	<p><b>sign-up</b> 36:14</p> <p><b>sign-ups</b> 36:17</p> <p><b>silently</b> 184:19</p> <p><b>similar</b> 12:10,23 20:16 31:10 40:14 148:7</p> <p><b>Similarly</b> 9:5 24:13 37:6 42:22,25</p> <p><b>simply</b> 155:25 179:20</p> <p><b>Simultaneously</b> 87:4 147:17,20</p> <p><b>since</b> 77:10 104:8 125:12 157:13</p> <p><b>single</b> 72:19</p> <p><b>sit</b> 35:2</p> <p><b>site</b> 14:24 39:5,22 127:1 148:5 162:20</p> <p><b>sitting</b> 31:20</p> <p><b>situated</b> 42:22 43:1</p> <p><b>situation</b> 81:22 82:2 84:8 85:23 87:24 88:7 141:15 177:21</p> <p><b>situations</b> 81:15 86:22 89:5 141:11, 12 147:18</p> <p><b>six</b> 10:21,22</p> <p><b>size</b> 157:15 177:2</p> <p><b>skim</b> 82:21</p> <p><b>skimmed</b> 104:24</p> <p><b>skipping</b> 151:2</p> <p><b>skirt</b> 156:15</p> <p><b>skis</b> 66:22</p> <p><b>slight</b> 150:25</p> <p><b>slipping</b> 81:7</p> <p><b>slur</b> 59:13,14,16,19, 19 65:13 66:2 79:19 80:23</p> <p><b>small</b> 54:24 69:7</p> <p><b>smaller</b> 31:1</p> <p><b>Smith</b> 37:3</p> <p><b>Smith's</b> 37:4</p> <p><b>social</b> 14:12 96:7 97:3 107:12,18,19, 23 122:8 132:13 142:8 148:6 151:1 161:25 169:18</p> <p><b>society</b> 8:1 22:6 47:11 85:10</p> <p><b>solely</b> 178:15</p> <p><b>Solutions</b> 4:16,19</p>	<p><b>some</b> 7:7 15:1 22:18 26:1,4 27:18 34:20 35:25 36:19 41:2,7, 17 42:5,6 50:9 60:14 62:3,19 65:10 75:10 84:25 85:12,13 88:9,13 91:24 93:12 95:12 100:13 107:25 110:22 111:16 112:6 118:12 127:15,17 130:1 131:15 139:17 143:14,16 146:1 147:19 173:11,20, 24 176:22 182:12 184:7,9 189:16</p> <p><b>somehow</b> 168:1</p> <p><b>someone</b> 37:3 41:25 56:25 64:12 72:1 79:12 81:2,4 89:6 91:7 123:12 139:20 147:5,20 168:9</p> <p><b>someone's</b> 30:11 52:23,25 123:4 147:3,5</p> <p><b>something</b> 14:10 19:21,23 31:18 36:2 37:11 38:13 54:7 58:9 59:8 60:23 61:25 63:5 65:7 66:2 69:5 74:6 78:12 82:7 96:14 99:6 100:3 102:3 125:21 132:10 149:16 171:23 174:15 180:12 185:1 188:18 189:2,15</p> <p><b>sometimes</b> 15:9,25 22:14 34:1 54:9 66:5 68:19 70:16 86:22 91:20,21 102:7,8 133:7 141:6 143:13 159:6, 8</p> <p><b>somewhat</b> 6:12</p> <p><b>somewhere</b> 63:24 127:21 129:10 190:7,10</p>
---	--	---

<p><b>soon</b> 82:5</p> <p><b>sorry</b> 10:20,24 13:15 16:13 41:6 73:5 117:10 120:10 133:11 135:25 144:10 146:11 148:13</p> <p><b>sort</b> 8:24 22:18 28:3 32:9 62:15,19 65:10 86:17 90:11 100:2 148:10 165:12 187:25 188:5,17 189:3</p> <p><b>sorting</b> 90:10</p> <p><b>sorts</b> 164:6</p> <p><b>sounds</b> 34:3 40:24 90:9 91:18 142:15 160:4 181:25</p> <p><b>source</b> 37:22 44:18 66:18</p> <p><b>sources</b> 58:1 148:8 178:6</p> <p><b>sovereigns</b> 96:8</p> <p><b>sovereign's</b> 96:21</p> <p><b>space</b> 157:16 159:4</p> <p><b>spaces</b> 102:18 128:14 156:12,13 159:1</p> <p><b>spam</b> 21:15 44:15 51:4 118:8,19</p> <p><b>spammer</b> 123:13</p> <p><b>spammers</b> 44:12 159:10</p> <p><b>speak</b> 9:19 11:21,25 95:3 102:2 120:4,6 148:8 158:1 164:24 178:22 179:6</p> <p><b>speaker</b> 52:19 140:5</p> <p><b>speaking</b> 54:24 145:25 146:4 148:15 156:24 157:2 171:25 173:23 180:4 185:16</p> <p><b>special</b> 72:16</p> <p><b>specialist</b> 4:17</p> <p><b>specific</b> 31:2 35:10 37:25 42:6 44:1 46:23 47:5 51:16 75:14,16 76:2 77:21 80:1,3,4,15</p>	<p>81:22 82:19 84:13, 16 92:7 94:25 96:5, 6 100:21 105:3,21 110:7 115:3,15,22 118:2 119:2,10,12, 15 120:3 121:1 123:20 124:7 125:12 127:15,19, 23 128:8 130:17,19 148:23 149:6,25 150:11,19 151:5,11, 13,16,17,20,23 152:3,9 156:16,17 157:10,14 161:11, 23 162:8 163:17 170:20 171:1 171:1 176:8,13 177:1 179:13 181:2 182:11 185:23 190:13</p> <p><b>specifically</b> 9:20 41:13 44:19 50:19 54:11,22 63:7 73:16,17 86:25 95:19 102:22 109:21 112:25 119:17 131:10,24 164:13 169:10 188:21</p> <p><b>specificity</b> 153:15 161:13 162:3 174:9, 17 175:21 185:19 187:10</p> <p><b>specifics</b> 80:14 103:2 152:19,22,24 153:1 170:22 182:20</p> <p><b>speculate</b> 24:6 26:21 28:22 30:3,11,13 31:9 65:7</p> <p><b>speech</b> 51:1 52:8 52:8 57:21 59:9,13 60:10 65:12 80:19, 21 99:7,9 123:6 174:15,16</p> <p><b>speedy</b> 106:19</p> <p><b>spell</b> 28:10</p> <p><b>spend</b> 26:23 180:13</p> <p><b>spending</b> 157:13</p> <p><b>spent</b> 77:9 125:10</p>	<p>184:9</p> <p><b>spirit</b> 140:6</p> <p><b>spoke</b> 12:3 160:22,25 173:23 176:21 179:2,9,10,11 190:14</p> <p><b>spoken</b> 30:18</p> <p><b>spread</b> 94:1 144:23</p> <p><b>Stadium</b> 60:17</p> <p><b>stakeholder</b> 7:16 47:10</p> <p><b>stamp</b> 82:11 83:18</p> <p><b>standard</b> 170:4</p> <p><b>standards</b> 24:16 44:5, 8 45:7,17,22,24 46:4,15 47:1,18,25 48:7,20 49:25 50:4, 21 57:17 71:1 73:1, 12,13 85:3,5 103:8 143:23 145:12,15 147:9,11 153:5 155:18 166:12,20, 25 167:10,25 168:5, 25 170:3</p> <p><b>start</b> 12:18 13:11 45:6 53:20 81:25 82:11 152:14 158:23</p> <p><b>started</b> 5:18 6:3 25:24 41:2</p> <p><b>starting</b> 90:5 107:17</p> <p><b>starts</b> 27:19 72:9 111:1</p> <p><b>state</b> 37:2 94:25 97:6 130:8,13,17, 19 133:21,23 134:3 135:22 136:6 139:22 155:10 169:24 170:5</p> <p><b>state-controlled</b> 94:15,17,20 95:7</p> <p><b>stated</b> 4:22</p> <p><b>statement</b> 24:20 29:11 37:24 60:12 60:12 109:16</p> <p><b>statements</b> 11:8 83:4</p> <p><b>States</b> 4:7 130:14 133:25 134:3</p> <p><b>state's</b> 134:8</p> <p><b>stating</b> 167:24</p>
--	--	--

<p><b>statute</b> 135:3 136:8, 17 155:20 186:21 <b>statutes</b> 128:18 <b>staying</b> 104:20 <b>stenographically</b> 192:6 <b>step</b> 33:25 61:19 64:5 84:24 150:25 <b>stepping</b> 34:17,23 <b>steps</b> 38:4 108:18 181:12 <b>stick</b> 121:23 <b>still</b> 11:2 11:2 91:23 114:13,16 <b>stop</b> 39:24 <b>stopped</b> 28:15 29:6 39:22 <b>story</b> 34:9 63:15,18, 20 64:3 <b>strapped</b> 33:18 <b>Strategic</b> 6:20 <b>streams</b> 128:24 <b>strike</b> 52:2 <b>strong</b> 126:20 <b>structure</b> 50:10 <b>structures</b> 177:4 <b>struggle</b> 17:6 <b>struggling</b> 17:1 39:16 43:2 64:4 142:12 177:18 <b>stuff</b> 21:14 <b>stumble</b> 140:9 <b>subject</b> 7:5,6 9:2 20:4 21:4 72:13 73:11 85:25 114:13 128:12 189:25 <b>subjectivity</b> 141:8 <b>subjects</b> 73:13 164:3 <b>submitted</b> 12:10 <b>subscribe</b> 143:21 147:11 <b>subsection</b> 117:6,10, 12 122:4,7 154:11, 15 155:22 156:9,23 158:9,13 160:14 161:2 166:3,6,11 167:1,6,15,16 168:2 169:3 170:8 171:12 172:12 185:20 186:7,8,14,</p>	<p>25 187:23 188:25 <b>Subsections</b> 159:17, 18,20 160:17 <b>Subsequent</b> 101:13 <b>subsequently</b> 45:18 <b>subset</b> 63:8 80:5 <b>subsidiary</b> 6:12 <b>substantial</b> 93:10,18 174:5,24 175:7 176:21 178:14 <b>substantially</b> 132:19 133:2 <b>subvert</b> 161:14,25 <b>subverted</b> 161:18 <b>such</b> 77:4 109:3 125:16 132:11 161:13 179:22 180:5 <b>suffer</b> 168:9 <b>sufficient</b> 154:16,21 166:22 168:19 169:12,21 183:5 <b>sufficiently</b> 169:4 <b>suicidal</b> 92:6 93:3 <b>suicide</b> 74:17 75:21 90:6,11,23 91:8 92:12,20 <b>summer</b> 110:22 <b>Sundays</b> 107:24 <b>supervisor</b> 182:23,24 <b>supplementing</b> 68:7 <b>Support</b> 4:16,19 28:2 48:12 <b>supporter</b> 137:23,24 <b>supremacist</b> 122:15 <b>supreme</b> 70:3 <b>Sure</b> 7:5 13:13,22 14:1 21:14 28:12 32:4 33:3 34:18 36:15 39:4 42:15 43:6 45:3 51:23 52:14 53:18,22 57:4,11 60:6 62:17 71:9 79:14 81:10 82:10 84:23 89:12, 20,24 90:8 92:19 96:3 98:17,25 104:22 105:11 109:8 112:24 115:11,14 121:20</p>	<p>122:13 125:14 126:1,4 127:13 129:14,17 132:25 134:2 149:2,7 150:5 163:3 164:13, 18 166:17 170:20 171:5 174:2 179:10, 12,15 183:24 184:14 <b>surface</b> 68:15 158:21 <b>surfaced</b> 116:11 <b>survey</b> 15:16 25:23 31:16 <b>surveys</b> 15:11,22 <b>suspended</b> 190:3 <b>suspension</b> 190:1 <b>suspensions</b> 190:5 <b>swear</b> 4:25 <b>swift</b> 80:2 <b>sworn</b> 5:4 <b>system</b> 14:4 22:18 23:11,16 55:13 57:23 62:24 64:18 144:14 156:18 <b>systems</b> 22:20 53:24 63:11 125:8,16 126:5 138:15,20 145:19 156:14 161:18,25,25 162:2, 17 175:13 180:3,6</p>
		<b>T</b>
		<p><b>Tab</b> 10:4,13 82:9 105:1,13 109:5 115:11 <b>take</b> 20:2 21:7,20 32:3 43:18 52:10 53:16 56:5 60:1 75:24 78:9 82:17 84:19 85:24 87:13, 22 93:12 96:6,21 98:5 108:17 111:2, 18 121:20 125:20 135:14 144:4 146:21,22 148:13 150:16,25 159:16 179:10 181:21 183:6 <b>taken</b> 4:4 76:11</p>

<p>95:22 112:20  <b>takes</b> 49:4 157:4  175:12  <b>taking</b> 21:16 29:13  75:7 84:24 86:19  89:10 125:25 126:9  178:2  <b>talk</b> 5:17 23:24 45:1,  6 51:22 58:5,16  62:15 68:4 90:3  98:21 149:5 153:14  173:20  <b>talked</b> 21:5 26:1  28:16 29:9 51:6  68:3,6 89:21  103:10 105:5,23  126:4 140:25  140:25 141:1  145:17 146:13  159:17,19 164:6  172:3 187:4  <b>talking</b> 9:1 26:23  43:7 44:1 46:21  50:20 55:23 58:7  64:14 79:17 81:13  100:7 154:11  165:22 166:6  188:17  <b>talks</b> 13:23 14:3  51:14 120:22  121:25 122:14  143:3 152:15  166:18 167:15  170:14 177:22  179:16  <b>tangential</b> 8:23,24  <b>target</b> 24:23 150:17  <b>targeting</b> 151:24  152:15 155:23  171:15 181:9  <b>targets</b> 22:8 151:7  153:12,20 154:2  <b>task</b> 177:19 177:19  <b>tasked</b> 72:20 73:20  177:16  <b>tasks</b> 177:6  <b>Tatmadaw</b> 84:17 86:17  88:23  <b>Tatmadaw's</b> 86:8  <b>Tatmadaws</b> 86:13</p>	<p><b>taxing</b> 160:4  <b>team</b> 6:4,5,6,8,11,13,  15,16,18,19,21  7:13,14,15 11:12,  20 27:16,24,24  28:5,7 41:22 47:8  56:25 67:20,24,25  68:1,6,12 71:8,24,  25 72:2,15 74:19  75:10 76:2,8 78:21  88:18 95:8,9  109:20 133:12,17  144:25 148:14,17,  17,18 176:16  177:15 178:2,6,9,  10,12,16,22 179:1,  11 180:20  <b>teams</b> 41:21 65:21,24  68:10,11,17 71:22,  24,25 72:17 73:3,4  74:8 76:9,12 78:20  78:20 78:20 86:24  95:9 133:11,18  158:1 177:12 178:9  180:19,20  <b>team's</b> 67:23  <b>technically</b> 89:3  <b>teenagers</b> 93:4  <b>tell</b> 9:25 15:23  30:12 56:3 57:17  63:3 78:9 80:20  102:7,10,21 136:9  143:13 144:18  147:5  <b>telling</b> 57:13,16  112:4  <b>tend</b> 161:20  <b>tendencies</b> 93:4  <b>tenets</b> 29:22 52:15  <b>term</b> 7:10 45:25 64:3  69:1,2 72:19  116:18 135:25  136:16 136:16  142:12  <b>Terms</b> 35:14 39:24  42:3 42:3 45:7,16  46:3,8,14,25 47:17,  24 48:6,19 49:24  50:3 58:20 106:4  114:6 132:17,25</p>	<p>153:19 162:6  164:21 166:11,19,  25 167:25 168:25  188:16,19  <b>terrorist</b> 35:12  36:21 37:7 38:3  66:3 69:9 69:9  79:19 101:24,25  123:9 124:9 135:1  159:7  <b>terrorists</b> 37:24  44:10 102:13  <b>test</b> 141:13  <b>testified</b> 5:5  <b>testimony</b> 117:17  155:24 161:7,10  188:4,7 191:2  <b>tests</b> 94:23  <b>Texans</b> 129:21  <b>Texas</b> 4:8 37:2  128:18 130:1,5  132:13 135:22  136:6 155:4,11  170:5  <b>text</b> 91:22 166:1  <b>than</b> 11:14,22 13:3  15:21 28:13 36:4  43:15 53:24 54:22  63:10 73:23 79:2,  13 96:5 99:23  103:14 107:13,23  128:2 144:24  163:22 168:10  174:16 178:21  186:15  <b>Thank</b> 14:2 21:22  32:4 43:19 45:5  83:12 89:7,25  183:16 186:2  190:21  <b>thanks</b> 109:11  <b>that's</b> 6:18 7:10 8:8  9:12 14:5 15:6  16:4 17:23 24:5,7,  11 27:16 28:3  30:24 33:5 34:25  38:16 39:7 40:9  41:4 42:23 43:9  47:2 49:6 54:1,15  55:6 56:21 58:23</p>
---	---	---

<p>59:8,17 61:17,19  62:12 63:23 64:23  66:25 70:13 76:15  77:11 80:18 81:22  84:1 89:9,10 95:14  104:1 106:8 107:15  110:12,24 111:8  112:14 113:3  128:17 130:22  135:9 138:8 140:6,  23,25 143:4 144:15  148:19 152:1,23  161:22 163:11  168:15 172:6 175:1  <b>their</b> 4:22 16:8  23:21 24:6,25  25:16 26:6,7,17  27:4,7,20 28:23  30:21 38:14,17  40:15 49:4 67:12  68:21 75:5 78:9  84:14 96:8 98:23  102:6 106:10  109:23 113:1  114:12,15,18  115:23 117:19  117:19 118:1 135:9  140:9 141:7 144:5  145:3,12,15,18  147:6,8 148:2  161:21 188:10  <b>themselves</b> 4:21 61:5  68:12 74:11 86:14  91:14 113:17  116:23 162:7  185:13  <b>then</b> 6:4,5,20 17:17  35:15 38:3 49:7  53:21 55:24 60:1,5  61:24 62:24 63:11,  14 65:18 66:4,7  71:6 86:1,20 94:22  97:8 101:12 107:25  124:10 124:10  126:21 127:24  128:12 136:1,10  138:18 140:5  142:23 143:25  145:23 151:6  161:14 166:20</p>	<p>183:7 185:24  187:21  <b>theoretically</b>  180:13 187:3  <b>theories</b> 122:16  124:7  <b>there</b> 8:22 11:1  15:22 17:14,17  19:21 21:24 22:20  23:18 25:17,20,25  26:24 33:13 36:15,  19,19 38:3 40:22  42:5 43:10 44:12  46:9,24 50:8 54:10  56:8,13,15 60:8,14  61:21 65:20,24  66:25 67:6 70:7  71:25 74:6 77:16  81:2,4 82:19 85:12  87:9 88:24 91:9,16,  22 94:24 98:20  102:3,25 103:3,16  105:3 108:15,16,17,  19 111:1,12 114:4  117:6 121:16  122:14 127:15,24  128:3 130:2,8,21  131:3,9 135:17  139:20 141:3  143:15 144:13  145:4,25 146:3,17  149:15 152:8 153:3,  6 156:4,6,10,21  157:5 158:23  159:21 162:5 164:7,  15,20 165:2 168:18  169:10 170:7,14  171:23 172:1  173:11 177:1  179:17 181:2  182:12,25 185:4  189:13,15  <b>Thereabouts</b> 84:4  <b>there's</b> 19:23 22:17  29:12 29:12,18  55:14,20 56:17  57:15 61:12 64:5,  23 65:7,12 66:2  68:16 74:13 75:4  81:4 88:14 100:14</p>	<p>107:7 113:25 117:5  121:24 122:23  144:14 146:20  148:19  <b>these</b> 18:24,25 19:8  19:8,22 26:1,19  29:7 31:14 33:22  45:9,16 50:15  51:22 52:16 52:16,  19 60:18,24 72:20  73:7 75:11 77:18  84:19 86:22 87:8,  12,15,21 90:4  91:20 92:12 96:17  102:13,19 106:4  111:17 113:17  114:11 116:23  117:2 127:2,20  132:17 134:23  147:19 148:14,20  158:15,23 162:20,  22 167:12 175:5,23  177:5,6,12,14  178:1,20,23 179:7  180:6 182:8 185:9  192:4  <b>they're</b> 14:13 25:16  89:2 114:14 116:25  143:23 154:23  <b>they've</b> 14:21 22:7  30:12 38:15  <b>thing</b> 71:11 146:21  <b>things</b> 14:12,25  15:10 17:4 21:5,17  33:7 34:14 35:12  36:16 45:15 51:1,2,  23 52:18 52:18,20,  23,24 60:4,18,24  69:10 73:15 80:5  86:11 87:3 89:13,  14,15 91:20 97:8  106:6,14 113:13  116:23 117:2 118:2,  5 123:15 126:23  128:8 135:2 140:1,  21 141:8 144:21  145:14 153:4,7  158:23 159:12  167:13 171:3,17  175:21,23 178:6</p>
---	---	---

181:24 185:5,9 <b>think</b> 8:22 10:6 16:3 21:3,21 32:21 33:7 39:7,17 42:21 45:15 46:21 47:9 52:11 55:18 56:13 62:12 65:21 68:14, 25 69:13 70:9 76:23 77:23 79:15 80:10,22 82:3 86:1 87:9,25 88:19 89:15 92:17 95:3 96:13 100:7 101:19 103:12,20 104:15 106:4,8 111:11 112:19 122:6 127:14 128:7,10,15 129:24 132:2 134:16 137:7 139:14 140:23 146:10,13 149:18 150:13,24 151:17 153:14 156:10,22 158:7 160:1,5,13 162:5,11,11 163:14 167:5,7 170:21 176:20 179:23 180:18 181:6,13,14, 17 182:7,25 183:3, 4 189:23 <b>thinking</b> 35:3 <b>third</b> 33:24 107:12 <b>third-party</b> 91:3 143:19,21 144:7,9, 18 <b>those</b> 14:12 15:10 17:4 20:5 21:5 22:21 23:23 24:1 25:12 28:18 29:13 31:2,6,25 32:23 33:14,23 35:9,10, 11,12 36:17 37:21, 24 39:22 42:2,17 44:5,7,7,8 45:21 46:1,8,22 47:7 48:16 50:5,21 51:1, 6 52:20 54:5,6,17 55:1,16,17 57:10 59:4 60:5 61:15 61:15 65:24 66:5,7,	8 67:5 68:17,18 69:18 70:25 71:3,5, 14 73:10,14 75:20, 24 76:6,10,12,18 78:23 79:9,16 81:17 85:1,9 86:5, 11,18 87:1,2,3 88:6,13,18 89:12, 13 91:23,24 94:9, 15 96:14 97:17,20 102:1,7,17,20 106:6 107:5 109:22 116:9 118:16 119:7, 18 126:8 128:8,14 131:8,19 133:3 137:24 138:7,9 141:12 142:23 145:4,14,20 150:10 153:6 155:7 159:19 160:5 162:2,12,12, 16 167:11 169:6 170:4 171:2 173:8 178:6,9,16,21 179:2,4 181:20 182:17 189:21,22 <b>though</b> 55:6 69:20 160:5 <b>thought</b> 170:25 <b>thoughts</b> 48:15 <b>thousand</b> 57:21 <b>thread</b> 72:19 <b>threat</b> 28:4 95:22 127:23 <b>threats</b> 75:14 90:11 127:19 <b>three</b> 177:5 178:23 179:7 <b>three-quarters</b> 5:21 <b>threshold</b> 143:24 <b>thresholds</b> 187:6 <b>thrive</b> 33:9 <b>through</b> 15:9 16:2 22:22,25 23:9 33:6 38:4 47:13 48:24 52:12 55:13 57:22, 23 59:20 62:13 64:21 65:4 66:22 68:8 74:8,9,9,10 85:4,7 86:9 87:20 94:4 96:9 97:16	104:24 128:24 140:12 145:12,15 147:16 150:14 151:7 152:8 159:17 160:15 161:2 170:24,25 176:15 184:19 185:6,12 188:15 <b>ticket</b> 62:10,11,18, 20,21,23,25 63:7, 16,19,21 64:8 65:4 68:4,5 69:14 101:11 <b>ticketing</b> 64:18,22 <b>tickets</b> 70:22 71:12 <b>tied</b> 128:17 138:8 <b>time</b> 6:1,3 37:18 39:5,14 47:25 48:3, 7 70:1 79:1 86:2 95:4 98:9,13 99:4, 9,15,16,18,22 110:1,22 113:24 121:20 132:23 145:3 157:4 159:16 163:1 172:25 174:6, 24 175:7,9,11 176:5,8,10,17 178:15,21 181:18 182:4 183:10,14,17 184:10 190:21,22 192:4 <b>times</b> 75:24 134:16 141:3 <b>title</b> 5:23 <b>today</b> 9:1 31:21 66:11 77:20 78:13 80:25 95:1 104:15, 18 148:17 175:12 176:15 190:22 <b>today's</b> 191:2 <b>together</b> 45:2 117:1 <b>told</b> 9:8 28:14 29:1, 3 30:12,21 172:7 175:25 <b>tomorrow</b> 78:15 <b>too</b> 30:23 40:20 58:6 159:1 176:3 <b>took</b> 6:5 88:1 192:4 <b>tools</b> 113:10,11 114:11,15,17
--	--	---



<p><b>Top</b> 9:24 10:1 117:6 120:17,18 <b>topics</b> 80:16 <b>total</b> 55:23 144:19 <b>towards</b> 60:17 117:6 118:4 158:18 <b>track</b> 57:4 <b>tracking</b> 60:17 <b>trade</b> 8:16 102:20 <b>traffic</b> 35:12 123:10 <b>traffics</b> 123:12 <b>train</b> 59:7 <b>trained</b> 66:9 67:12 <b>training</b> 14:7 19:1 126:17,19 <b>traits</b> 88:3 <b>transcript</b> 192:6 <b>transparency</b> 41:9 71:5 78:7,17,23 80:13 96:25 97:2, 10 152:25 153:10, 25 154:20 157:5,6, 9 163:22 168:11 181:12 184:17 <b>transparent</b> 79:9,10 153:4,6 162:1 170:1,2 185:18 <b>treat</b> 42:2 123:6 <b>treated</b> 42:9 43:15 102:9 138:1 <b>treating</b> 42:18 75:19 <b>treatment</b> 43:3,4,5 46:12 64:19 84:16 <b>treatments</b> 47:4 <b>tremendous</b> 58:24 181:17 <b>trend</b> 29:16 <b>tried</b> 84:10 <b>troll</b> 44:15 <b>true</b> 9:12 24:7 30:13 78:9 80:20 144:2,3, 7 180:8,13 192:7 <b>Trump</b> 137:23 <b>Trust</b> 5:24 6:10,17 7:3 8:20 22:12 133:11 <b>truth</b> 143:10,18 <b>try</b> 16:6 59:18 61:23 62:25 80:1 88:5 96:7 112:11,15</p>	<p>116:22 125:9 132:6 133:6 137:15 155:5, 6 159:4 170:24,25 <b>trying</b> 38:5 43:6 47:3 113:10,18 116:24 125:25 135:7 180:14 185:2 <b>turn</b> 9:21 80:4 89:18 117:4 <b>turning</b> 13:21 <b>Twitter</b> 31:11 <b>two</b> 10:7 42:22 59:1 60:19 65:17 88:2 98:20 137:20,24 171:3 179:2,4 185:22 <b>type</b> 15:12 21:13 26:15 44:16 45:23 66:3 85:13 88:21 100:11 124:7 136:2 137:21 138:17 139:12 141:15 174:14 189:16 <b>types</b> 50:15 51:15 53:10,11 69:8 73:14 85:5 100:21 102:19 103:5 116:10 118:13 120:1 123:6 127:2 175:23 187:2 190:13,15 <b>typically</b> 63:20 99:24</p>	<p>117:11 127:14 136:3,22 137:8,25 155:3 167:5 171:11 174:23 177:24 <b>undergo</b> 127:1 <b>underlining</b> 170:23 <b>underlying</b> 146:25 147:18 <b>understand</b> 8:12 9:3 29:20 39:25 55:21 61:23 75:19 106:2 116:17 122:22,25 125:4 136:5 137:9 152:21 155:8 159:25 160:3 161:11 162:4 166:21 169:23 186:22 188:4,8,14 <b>understanding</b> 8:15 9:11 48:12 60:11 91:6 116:3 128:9 141:14 152:23 163:16 166:10 187:6 <b>undertake</b> 177:24 <b>undertaken</b> 93:19 <b>undo</b> 124:12 125:16 <b>undoing</b> 180:5 182:9 <b>Undoubtedly</b> 56:17 <b>unfortunately</b> 12:25 15:18 38:2,8 91:18 104:10 121:25 <b>uniformly</b> 94:16 <b>unique</b> 18:5,19 19:8 40:19 179:23 185:14 <b>Unit</b> 98:13 183:14 <b>United</b> 4:6 <b>unlawful</b> 127:25 128:10 <b>unless</b> 138:7 <b>unsafe</b> 52:21 68:24 69:1 161:17 <b>update</b> 65:16 66:4 73:25 84:2 88:2,10 <b>updated</b> 47:14 66:6 84:14 104:17 <b>updates</b> 72:10,24,25 73:7,23 75:11 80:2 84:19 86:17 87:12,</p>
	U	
	<p><b>Uh-huh</b> 58:18 61:10 82:19 154:13 <b>ultimately</b> 56:19 106:15 118:25 <b>unaware</b> 155:25 <b>uncertain</b> 102:4 190:16 <b>unclear</b> 108:19 138:11,13 142:1 <b>unconnected</b> 40:17 <b>under</b> 6:11 44:13 45:24 50:10 59:14 76:4 77:1 86:4 89:2 104:3 107:11</p>	

<p>14,21 88:18,20  <b>updating</b> 66:6 67:18  73:1,5 75:7  <b>upend</b> 138:19  <b>upfront</b> 41:14  <b>upheld</b> 103:8  <b>upholds</b> 101:13  <b>upon</b> 38:19 153:2  156:15  <b>upsets</b> 97:24  <b>up-to-date</b> 120:12  <b>use</b> 14:24 15:21  21:24 23:3,19 24:3,  9 31:14 32:18  37:21,22 38:16  39:24 40:6 40:6  44:6,14 46:22 59:4,  14 60:8 67:8 72:19  83:9 90:15 91:9,15,  25 101:17 110:5  114:11 116:12  118:10 142:20  148:5 154:7,17  166:9 167:7,19  168:7,10,15 169:1,  9,19 182:7  <b>used</b> 19:7 44:18  45:19 46:13 80:23  85:21,22 91:21  96:9 97:18 118:6  135:25 156:18  169:17  <b>user</b> 16:23 17:18  18:5,19,21 19:2,9  20:12,14,20,21,25  21:1 22:13,24 35:5  36:4,11 38:10  41:14 42:1,10,19  55:17 57:14 62:10  62:10,19 63:15,18,  20 64:3,14,17 65:3,  5 68:4 70:6,10,11,  13,23 71:12 91:4,  25 98:23 100:13,14,  15 101:17 102:6  103:14 107:19,21,  21 109:25 113:11,  22 114:21 116:5,16  117:25 118:18,23  119:3,16,21 120:10,</p>	<p>11 130:23 159:25  164:16 174:11  185:15 190:3  <b>user-generated</b> 20:8,  11 42:8,16 68:23  100:3 103:24  <b>users</b> 14:7,10 15:5,  12,14,15,23 16:8,  15 17:20 20:18,21  22:17,19 24:1 31:6,  17 38:23 42:2,22  44:2,19 51:12  62:14 86:3 92:6  93:24 97:15,23  98:21 102:25  109:24,25 111:7  112:4 113:16 114:2,  7,23 115:1,23  116:9 116:9 117:19  130:6 150:17 151:8,  25 152:16 153:12,  20 154:2,16,21  155:6,15,23 160:9,  20,21 161:9,18,20,  24 162:19 163:5  164:21 166:23  168:20 169:12  185:23  <b>user's</b> 100:13,24  111:23 113:1,6  116:5 119:4,5  134:18 137:2  <b>uses</b> 91:19 113:11  <b>using</b> 28:15,19 29:2,  6 31:21 46:8 57:19  86:14 90:19 96:20  97:18 114:14  117:24 135:7,22  136:6,18 154:23  <b>usually</b> 96:12 111:3,  12,22  <b>utilize</b> 15:15 38:14  76:24  <b>utilizing</b> 41:2 88:22  189:24</p>	<p><b>valid</b> 35:18  <b>valuable</b> 14:16,23  15:23 52:4 75:18  <b>value</b> 15:1,3,6 68:20  75:17 76:6  <b>variety</b> 50:23  <b>various</b> 94:5  <b>vary</b> 103:4  <b>vast</b> 69:20 102:1  <b>verbs</b> 126:1  <b>versed</b> 8:14  <b>version</b> 120:12  178:13 184:13  <b>versions</b> 120:5  <b>versus</b> 4:5 16:7 40:3  46:7 54:3,15 57:5  97:24 169:25  <b>very</b> 26:11 26:11  33:18 33:18 34:11  40:13,18 44:4  45:25 45:25 54:24  59:8 60:9,10,10,19  63:2 65:17 70:14  79:8 80:16 82:5  88:1 89:9 91:8,12  95:2 96:15 97:11  99:21 99:21 106:10  110:25 117:8  119:12 123:8 139:8,  25 141:7 146:24  153:5 158:16 160:4  163:14,18,18 170:2  174:13,17 175:17  178:4 189:12  <b>via</b> 62:9 94:4 189:25  <b>vice</b> 5:24 7:3 8:21  22:11 25:2 133:11  177:15  <b>video</b> 4:3,17 91:16  139:8  <b>view</b> 24:11 51:21  140:14  <b>viewed</b> 171:17  <b>viewpoint</b> 116:5,15,  18 122:23,24 123:1  124:4 124:4 125:1  126:14 126:14  134:18,21,22  135:10,16,23 136:1,  2,4,6,7,10,16,17</p>
	<b>v</b>	
	<p><b>vague</b> 119:12 125:2  130:2</p>	

137:2,8,10,11 138:12,17 <b>viewpoints</b> 123:3,8 138:5,7 <b>views</b> 155:13 <b>violate</b> 19:22 20:9 26:11,12,13 59:16 63:4 66:16,24 67:1, 5 70:10 100:10,19 139:24 140:2 174:15 <b>violated</b> 80:21 174:14 <b>violates</b> 24:15 56:22 66:12,15,23 67:1,4 69:5 70:9 99:7 108:1 126:16 134:22 <b>violating</b> 55:15,21 57:2 58:10,11 59:23,24 61:25 66:11 69:25 70:2 102:14 116:14 174:19 186:23 187:1,3 <b>violation</b> 61:24 64:13 80:18 99:3,9 174:14 <b>violations</b> 62:7 69:8, 21 70:8 109:25 137:13 <b>violence</b> 50:24 63:4 96:11 97:14 103:10 128:16,19 138:9 <b>violent</b> 86:16 138:23 139:2 140:16 <b>viral</b> 144:22 <b>viralty</b> 61:24 144:23 <b>vis-a-vis</b> 43:4 116:4 138:14 169:1 <b>visuals</b> 91:19 <b>voice</b> 32:14 33:5 52:12,15,17,25	32:2,16 38:20 43:18 45:2 49:20 53:2,20 60:13 62:15 65:6 66:21 78:5 88:15,16,21 89:11,15,16,19 90:3 91:13 97:4 102:2 105:19 118:1, 3,7,11,13 119:9 123:2,6,10,11,14, 15 139:19 140:11, 14 142:19 143:7 146:7,15 160:10 189:6 <b>wanting</b> 31:6 <b>wants</b> 48:23,24 53:3 142:5 149:25 <b>warning</b> 139:16 140:10 <b>Washington</b> 4:12 6:23 40:19 <b>wasn't</b> 8:11 169:8 173:15 <b>watching</b> 85:11 <b>water</b> 66:10,11,15,16 <b>way</b> 7:24 9:14 11:15 15:22 16:4 17:9 20:11 24:5 34:4 41:2 46:13 50:3 51:21 52:11 58:4 59:17 61:9,21 62:8 65:16 68:3,5,14 80:10 85:18 86:6 91:10 96:13 97:15 100:14 115:21 116:3,19,21 120:22 125:17 130:9 131:4 132:13 133:14,21 135:21,22 141:18 149:6,25 150:11,19 151:13 152:2,3,24 156:19 160:18,19 162:21 165:9 167:6, 10 168:24 169:16 176:25 180:5,6,14, 22,24 181:10,22 182:8,9 187:25 189:12,14 192:11 <b>ways</b> 16:1 51:23 61:11 64:20 85:22	86:22 88:4,9,13 91:24 103:16 156:18 156:18 160:7 185:16 <b>weak</b> 67:7 <b>weapons</b> 60:17 <b>website</b> 22:22 104:12 110:14,16 112:5 163:23 <b>weeks</b> 65:17 88:3 <b>weighed</b> 104:7 <b>Weiner</b> 158:7 <b>well</b> 7:15 8:6,14 9:9 12:9 15:5,10,11 17:16 19:18 34:14 35:15 41:6 44:8,13, 25 45:23 46:3 54:20 56:25 57:15 61:9 62:8 67:3 69:3,19 73:5 83:15 84:15,23 89:9 99:4 100:12 102:21 111:19 112:4 130:1, 6 133:10 135:12 140:5 141:25 155:13 158:25 159:21 160:25 161:22 164:5 167:15 168:14 169:2,8,22 173:7 177:22 186:22 <b>we'll</b> 53:21 93:14 105:12 140:5 147:23 152:14 183:7 <b>well-being</b> 7:10 <b>went</b> 177:7,16 <b>we're</b> 9:1 21:16 37:16 43:6 51:24 52:1 56:9 58:4 60:2,6 62:3 64:14 80:12 98:11 100:7 107:3 117:24 138:7 143:18 147:3 148:13 153:5 155:17 170:2 183:8, 12 186:24 188:17 <b>weren't</b> 34:24 <b>Western</b> 4:7 <b>we've</b> 22:8 24:22
<b>W</b>		
<b>walk</b> 27:21 <b>want</b> 9:22 10:9 14:11, 20 15:14 21:20 26:17 27:7 31:18		

<p>28:16 66:4 96:5 125:10 148:16 158:25 159:17,19 182:10 <b>whatever</b> 38:15 61:16 66:12,15 141:14,16 145:14 181:20 <b>What's</b> 8:15 17:6 22:2 24:19 48:18, 19 54:3,14,15 60:11 67:23 69:2 98:22 101:16 126:13 129:2 135:16 144:12 146:17 153:18,25 167:24 171:6 <b>Whereas</b> 89:8 <b>whether</b> 8:10 14:12 15:23 33:5 57:8 62:2 75:20,21,22 76:10 85:9 91:22 91:22 96:18 97:22 98:3 101:17 108:1 124:20 138:5,6 140:17 144:2 145:13 147:14 153:2 163:12 180:8 181:8 182:5 <b>which</b> 21:19 25:6 29:15 32:14 42:10 61:11,21 62:8 65:18 76:12 80:20 92:9 103:16 120:23 127:25 137:8 140:4 152:3 157:16 160:6 161:18 177:15 178:2 186:11 <b>while</b> 13:6 40:21 80:19 <b>white</b> 122:15 <b>who</b> 9:6,18 11:10,16, 19 20:12 26:16 27:21,25 28:3,7,15 29:20 31:17 33:9, 14 36:23 37:6 38:8 41:20,22 45:22,23 47:6 57:10 63:14 66:20 67:25 68:6, 11 71:3,21 72:12, 20,21,23 73:7,10,</p>	<p>12 74:14 80:7 81:2, 5,6 86:21,24 90:22 91:7 95:6 95:6,7 96:25 102:25 106:6 113:12 120:6 123:12 124:6 148:9 158:4 177:19 178:22 <b>whole</b> 95:24 182:9 <b>wholesome</b> 173:13 <b>wholly</b> 116:25 <b>whom</b> 36:8 <b>whose</b> 28:1 34:9 98:21 <b>Why</b> 14:6 29:24 30:4 31:21,24 46:8 83:8 102:7 116:25 119:24 140:20 154:2 174:19 <b>Will</b> 4:24 21:24 23:3, 14,14 24:9,13 25:11 26:16 54:9 57:17 61:17 62:24 66:4 68:19 70:6 82:11 99:10 101:12 102:7,15 103:20 108:22 111:3,7,13, 23 112:6 116:6 119:4 134:23,24 135:11 137:19 139:15 140:5,9 143:13 143:13,14, 15 156:14 161:9 <b>WilmerHale</b> 7:1 <b>wing</b> 84:17 <b>wish</b> 170:22 <b>within</b> 44:7 44:7,11 64:13 65:24 65:24 71:22 73:13 85:10 88:25 99:2,21,21 103:8 106:23 107:5 111:3,8,14,22 112:2,5,11,15 126:21 134:3 140:6 145:19 158:20 162:16 178:22 179:4 <b>without</b> 70:24 71:13 109:23 128:8 152:23 163:16</p>	<p>174:8 178:11 182:9 184:3 187:5,6 <b>witness</b> 4:25 5:3,11 82:23 89:25 117:15 149:2 183:17 184:21 <b>woman</b> 74:18 <b>women</b> 7:9 <b>wondering</b> 67:6 <b>won't</b> 23:19 101:22, 23,25 102:8 <b>word</b> 39:10 78:9 90:14 111:12 169:21 179:23 <b>worded</b> 166:13 <b>words</b> 27:15 67:5 <b>work</b> 8:19 13:10 25:13 33:8 41:15 58:25 60:22 65:15 67:17 69:17 72:17 73:3 76:7 87:16 101:6 109:21 116:20 117:1 148:14 156:12 162:2 177:11 178:4 180:19,20 <b>worked</b> 11:17 12:23 74:4,22 172:4 <b>workers</b> 33:18,25 <b>workflow</b> 62:16 84:20 144:13 <b>workforce</b> 177:2 <b>Working</b> 11:12 61:16 65:23 85:25 157:16, 17 <b>works</b> 8:13 9:4 20:11 33:13 44:23 58:22 95:9 147:7 153:3 176:15 181:11 182:14 <b>world</b> 33:17 88:24 <b>worried</b> 25:16 <b>wouldn't</b> 16:21 31:18 57:1 70:9,10 74:6 75:1 89:11 <b>wounds</b> 140:1 <b>wrap</b> 183:7 <b>writ</b> 22:7 <b>write</b> 66:18 68:10 80:12,13</p>
---	--	--

<p><b>writing</b> 87:15 145:13</p> <p><b>wrong</b> 10:21 69:1 133:12 166:18</p>		
<b>Y</b>		
<p><b>year</b> 5:21 24:24 25:18 103:24 106:18</p> <p><b>years</b> 97:9 126:18,20 180:13 181:19,20 182:3,6,7</p> <p><b>yes-or-no</b> 123:22</p> <p><b>You'd</b> 34:7</p> <p><b>young</b> 74:18</p> <p><b>you're</b> 17:14 35:8 35:8 35:8,15 37:10 38:5 39:17 43:5,11 50:16 55:18 56:13 70:18 72:4 82:21 88:16 98:18 102:14 106:22 108:4 112:4 113:18 121:10 123:9,12,13 124:15 126:4 129:15 135:4, 5 140:12 148:4 149:1,18 151:18 153:7 165:19 168:6 184:20 186:18</p> <p><b>yourself</b> 57:22 117:14 184:20</p> <p><b>YouTube</b> 161:25</p> <p><b>you've</b> 6:2 23:25 34:21 46:13 57:21 118:3 122:12 182:10</p>		
<b>Z</b>		
<p><b>zero</b> 46:7 149:15 149:15</p>		